

1900

1901

1902

1903

JUVENILE DELINQUENCY

(PLURAL MARRIAGES)

HEARINGS
BEFORE THE
SUBCOMMITTEE TO INVESTIGATE
JUVENILE DELINQUENCY
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
EIGHTY-FOURTH CONGRESS
FIRST SESSION
PURSUANT TO
S. Res. 62
INVESTIGATION OF JUVENILE DELINQUENCY IN THE
UNITED STATES

APRIL 28 AND MAY 2, 1955

Printed for the use of the Committee on the Judiciary



HARVARD COLLEGE LIBRARY
DEPOSITED BY THE
UNITED STATES GOVERNMENT

JUL 26 1955

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1955

COMMITTEE ON THE JUDICIARY

HARLEY M. KILGORE, West Virginia, *Chairman*

JAMES O. EASTLAND, Mississippi
ESTES KEFAUVER, Tennessee
OLIN D. JOHNSTON, South Carolina
THOMAS C. HENNINGS, Jr., Missouri
JOHN L. McCLELLAN, Arkansas
PRICE DANIEL, Texas
JOSEPH C. O'MAHONEY, Wyoming

ALEXANDER WILEY, Wisconsin
WILLIAM LANGER, North Dakota
WILLIAM E. JENNER, Indiana
ARTHUR V. WATKINS, Utah
EVERETT MCKINLEY DIRKSEN, Illinois
HERMAN WELKER, Idaho
JOHN MARSHALL BUTLER, Maryland

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY IN THE UNITED STATES

ESTES KEFAUVER, Tennessee, *Chairman*

THOMAS C. HENNINGS, Jr., Missouri
OLIN D. JOHNSTON, South Carolina

WILLIAM LANGER, North Dakota
ALEXANDER WILEY, Wisconsin

JAMES H. BOBO, *General Counsel*

CONTENTS

Testimony of—

	Page
Mrs. A, 18-year-old housewife, Short Creek, Ariz.....	41
Anderson, David F., ex-judge, Utah Sixth District Juvenile Court, St. George, Utah.....	115
Caine, Bernard T., Mohave County attorney, Arizona.....	1
Mrs. F, housewife, Short Creek, Ariz.....	93
Mrs. FF, Short Creek, Ariz.....	97
Mrs. F2, 17-year-old plural wife, Short Creek, Ariz.....	72
Faulkner, J. W., former judge, Mohave County, Ariz.....	12
Mr. GG, Short Creek, Ariz.....	105
Mr. JJ, Short Creek, Ariz.....	111
Moody, Milton E., superintendent of schools, Washington County, Utah.....	126
Nyborg, Mrs. Alphonso, wife of the deputy sheriff, Short Creek, Ariz..	29, 133
Nyborg, Alphonso, deputy sheriff, Short Creek, Ariz.....	23
Porter, Frank L., sheriff, Mohave County, Kingman, Ariz.....	36
Mrs. W, postmistress, Short Creek, Ariz.....	82

EXHIBITS

Number and summary of exhibit

1. List of names of persons from Short Creek, Ariz., arrested on July 26, 1953, for violating Arizona laws related to polygamy.....	1 4
2. List of men who entered pleas of guilty to charges of polygamy, and copy of the order of Judge Tullar in the resulting trial.....	2 4
3. Copy of Truth, dated January 1949, published by the Truth Publish- ing Co., Salt Lake City, Utah.....	1 8
4. Copy of the order of Judge Stevens returning certain children to their parents at Short Creek, Ariz.....	1 9
5. Information containing the names of other minors also returned to their parents in Short Creek, Ariz.....	1 9
6. List of girls under the age of 18 years who are plural wives to Short Creek men.....	1 10
7. Statement of Gov. Howard Pyle concerning the Short Creek problem appearing in the July 27, 1953, issue of the Arizona Republic, Phoenix, Ariz.....	2 13
8. Map of Short Creek, Ariz., showing the names of occupants of the dwellings within the city.....	1 21
9. Letter of former Judge David F. Anderson, dated January 26, 1954, addressed to Horace J. Knowlton, attorney at law.....	2 118
10. List of children enrolled in Hildale School, Short Creek, for year 1954-55, and personnel record cards for the teachers of this school..	1 131

¹ On file with the subcommittee

² Printed in the record.

JUVENILE DELINQUENCY

(Plural Marriages)

THURSDAY, APRIL 28, 1955

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
TO INVESTIGATE JUVENILE DELINQUENCY,
Phoenix, Ariz.

The subcommittee met, pursuant to call, at 4:15 p. m., in the House of Representatives Chambers, State Capitol Building, Phoenix, Ariz., Senator William Langer (presiding).

Also present: Peter M. Chunbris, associate counsel, and Lee McLean, editorial director.

Senator LANGER. Let us come to order, please.

Mr. CHUMBRIS. Senator, we are now taking up a new subject. This matter has to do with the situation in Short Creek, Ariz.

Senator LANGER. Proceed.

TESTIMONY OF BERNARD T. CAINE, COUNTY ATTORNEY, MOHAVE COUNTY, ARIZ.

(Having been previously sworn by Senator Langer.)

Mr. CHUMBRIS. Will you state your full name, your address, and your official title?

Mr. CAINE. My name is Bernard T. Caine. I am the county attorney of Mohave County, and I reside at Kingman, Ariz., which is the county seat of Mohave County.

Mr. CHUMBRIS. And I understand that you have a matter you would like to present to the subcommittee this afternoon.

Mr. CAINE. Yes, sir. I have a matter that I was requested to prepare a statement on, and I believe that it can be presented in about 15 minutes.

Senator LANGER. Go right ahead.

Mr. CAINE. This matter involves polygamy at Short Creek, Ariz., which is in Mohave County.

Several times this afternoon I heard you, Senator, state that you are looking to Washington for help, and I hope that by the conclusion of the presentation of this statement that you will see that it is a matter that has gotten out of control entirely. Our local law enforcement officers—and, as a matter of fact, it is beyond the control of the law enforcement officers and the Executive of the State of Arizona.

The following statement of fact is respectfully submitted for the consideration of your committee: At the time of the settlement of Utah by the members of the Mormon Church, or Church of Jesus Christ of Latter Day Saints there was no law prohibiting polygamy or

plural marriage in the Territories of the United States of America. The Congress of the United States enacted such a law during the latter part of the 19th century, and the constitutionality of the law was upheld by the Supreme Court of the United States during or prior to 1890.

When Arizona and Utah were admitted to the Union, the enabling acts required that they adopt constitutions forever prohibiting the practice of polygamy or plural marriage. Both States enacted constitutions containing that provision, and the State of Utah enacted legislation defining polygamy or plural marriage, and providing a penalty; but the State of Arizona has failed to enact such a statute.

It has been 43 years since our constitution in the State of Arizona was adopted, and we have the constitutional provision stating that polygamy or plural marriage shall be forever prohibited, but our legislature in Arizona has failed to adopt any legislation implementing the constitutional provision by passing a penalty. The last attempt, as a matter of fact, I believe the only attempt to do so, was at the session of the legislature which just adjourned. A bill was introduced in the house to establish a penalty for polygamy, and it passed the House by a 69 to 9 vote, or thereabouts, then it went to the senate, and it was there buried.

However, the actual practice of polygamy or plural marriage, necessarily involves the violation of several statutes of Arizona, especially where any such marriage is to a juvenile. Some of the offenses are unlawful cohabitation, marrying the spouse of another, contributing to the delinquency of a minor, and statutory rape.

Most of the prosecutions in Arizona have been under its statute prohibiting unlawful cohabitation. During 1935, prosecutions were carried on in Mohave County under this statute, against four named defendants. They were convicted, and the men were sentenced to the penitentiary, and they served their sentences. This was in 1935. From 1890 to the present time polygamy has been practiced furtively in out-of-the-way places in Arizona, Utah, and in other isolated regions of the West.

A considerable number of polygamists moved to a colony in northern Mexico following the above-mentioned United States Supreme Court decision. Two of those that we convicted in 1935 moved there after they had served their time in the Arizona State prison. The practice appeared to have been discontinued in the Short Creek section for a period of about 10 years after these prosecutions, but it has since become known to the officers of Mohave County that 2 or 3 Arizona offenders secretly continued the practice.

During or immediately after the close of World War II a series of prosecutions were commenced in the State and Federal courts of Utah, which resulted in the conviction and imprisonment of a considerable number of prisoners—or rather, of a considerable number of offenders. Seven of them served time in Federal prison, in the Federal prison camp at Tucson, Ariz.

After serving their sentences a number of these men, and a larger number of recruits to their organization, settled in Short Creek in the late forties, and took charge of the public school, and hired two practicing polygamists as teachers.

As a matter of fact, our own Arizona State School Board recently failed to cancel the licenses of the two teachers, holding that the practice of polygamy was not moral turpitude.

Short Creek is 294 miles from Kingman, the county seat of Mohave County, and if you are familiar with the map of Arizona and care to look at it, you will understand better the statement that I am going to make. The county seat for the town of Short Creek is 294 miles from Kingman, and the county seat, by the shortest possible route of travel by land, by way of Boulder Dam, Las Vegas, Nev., and St. George, Utah, then back down into Arizona and northern Mohave County. It is really situated in an isolated area. It is some 400 miles by the usual traveled route by Flagstaff. That is a route that would keep you entirely within the State of Arizona. I have a map that I would like to put in the record, if you care to have it. It is just a map that is put out by one of the oil companies, and there is no particular reason why it should be this particular oil company, except that it does show up better than some of the others.

Senator LANGER. Are you the attorney for this oil company?

Mr. CAINE. No, sir; I am not. I will give you a proper map later on. For some reason these do not appear to be the ones that I thought they were.

This settlement of Short Creek lies immediately on both sides of the Arizona-Utah border, and the school population soon exceeded 100, the school being conducted on the Arizona side. As a matter of fact, I have just been advised by one of the members of the trustees of School District 14, which is the Short Creek district, that within a period of 5 years after the Federal prosecutions, because of the influx of the recruits, the school population increased from 30 to 115 in this isolated area.

Senator LANGER. Within 5 years?

Mr. CAINE. In a 5-year period, but it all happened practically in a period of 2 years, along toward the end of the 5-year period. Vague rumors began to reach the county officers that several of the men had more than one wife, and that juvenile girls were being taken over as plural wives. Persons outside of the organization reported suspicious circumstances, but could give no positive information of law violations. Visits by the sheriff and county attorney revealed nothing, as the members of the gang were uncommunicative. The law-enforcement officers were convinced by circumstances called to their attention that a complete investigation should be made by some secret service agency, but had no funds at their command with which to carry on any investigation.

During 1951 Governor Pyle was asked to call upon Attorney General Fred O. Wilson for an investigation, and the latter employed the Burns Detective Agency to do the work.

Approximately one-third of the population of the community then resided on the Utah side. Mr. Wilson decided that there were ample grounds for prosecutions, but decided to hold consultations with the attorney general of Utah. Upon such consultations the attorney general of Utah requested additional time to prepare for action in his State. The election of 1952 followed shortly after these meetings, and neither of the attorneys general was reelected.

The new attorney general of Utah refused to take any action, but Attorney General Jones, who succeeded Wilson, acting with the

county attorney of Mohave County, filed an information in Mohave County charging all of the polygamists in the vicinity with conspiracy to violate the laws of Arizona relating to various sex offenses, unlawful cohabitation being one of the offenses mentioned in the information.

On July 26, 1953, all of the known law violators of the community, including women as well as men, were arrested on the conspiracy charge, the men being placed in jail at Kingman and the women being placed on their own recognizance. The women were allowed to remain in their usual places of abode with their children, who were immediately placed under the protective custody of the juvenile court.

I will submit with this statement a list of the persons so arrested.

Senator LANGER. That will be admitted as exhibit No. 1, and placed on file.

(The document referred to was marked "Exhibit No. 1," and is on file with the subcommittee.)

Mr. CAINE. Judge J. Smith Gibbons, of Apache County, acted as committing magistrate in the criminal cases.

Twenty-six of the men entered pleas of guilty to the conspiracy charge and were on December 7, 1953, placed under probation by Judge Robert S. Tullar, of Tucson, Ariz. A list of the men who entered pleas of guilty is attached hereto, and also a copy of the order made by Judge Tullar is attached hereto.

Senator LANGER. They may be received as exhibit No. 2.

(The documents referred to were marked "Exhibit No. 2." The list of men are on file with the subcommittee and the judge's order is as follows:)

EXHIBIT 2

ORDER OF JUDGE ROBERT S. TULLAR, JUDGE OF THE SUPERIOR COURT, PIMA COUNTY COURTHOUSE, TUCSON, ARIZ.

The COURT. Do any of you gentlemen desire to address the court before sentence is passed?

(There was no response.)

The COURT. Well, most of the clamor and outcry have died away. In this remote corner of this remote State, in this quiet courtroom, the time has come for you gentlemen to face up to the majesty of democratic government, to the dignity of the law, and to the power of the people.

You, yourselves—and the few score or few hundreds who stand for your same principles—are a small segment of the people; and we in official position serve you even as we serve all. Your voices may be heard in the halls of the legislature or in the streets equally with those of your fellows. The law treats all alike.

It is not my desire to cause you humiliation. No crime deserves that. I do not preach to you. No one is without sin, and certainly not your judge; but my failings may not be yours, nor do mine justify yours.

I suspect that you gentlemen are fully satisfied that you measure up to a higher standard of morality than do those of us whom you may regard as being arrayed against you—we whom you like to call agents of the devil.

One's words are interpreted in the light of his prejudice: Since your judge is not a native of this country, his emotions should be less likely to cloud his objective insight. Since he has been in no way concerned, officially or unofficially, with these proceedings prior to your arraignment last Monday, he is as nearly a stranger to the cause of the State and to the cause of you defendants as it is possible and desirable for a judge to be. Yet now he too turns from you.

Although fanaticism flourishes in ignorance, I find among you gentlemen keen intelligence, extensive formal education, broad travel, sophisticated outlook, heroic service to your country, pleasant personality, industry, humor, and optimism. Yet you and each one of you have pleaded guilty to a crime which,

under the law, carries with it a stigma of moral turpitude, and there are no mitigating circumstances.

Your conspiracy to violate our laws was entered into with deliberate purpose, and with a full awareness of the extent and nature of the offense. You selected, as one of your number has boldly stated, a location not easily accessible to law enforcement officials; a place where your crimes might longer escape official notice; a place on a State border impossible to approach without giving warning; a place where, upon the approach of the officers of the law, it was easy for you to slip out your back doors, sneak through the weeds, and be across the State line out of reach.

After hearing some of you talk and after a consideration of the matter, I am satisfied that the approach of 2 large caravans from opposite directions lead you to believe that there was a joint action being commenced against you by the 2 States. A single small force entering from the south would have entered a deserted village. Your selection of Short Creek as the place for your stand brands the United Effort plan with pusillanimity.

It has been suggested by some of your sympathizers that by its action against you the State of Arizona has stripped from you your constitutional protection of freedom of religion. Your pleas of guilty mean to me that you gentlemen concede that there is no merit in that contention. This is not, of course, the first time that this claim has been raised, and it has, as you know, been carefully considered by distinguished authorities on constitutional law.

Yet were there any doubt, I should express it. Federal authority, it often seems, has tended to circumscribe unduly the constitutional limits of our rights as individuals.

As a guardian of the State's rights, and of the rights of all of us as residents of this State, I should ever be alert to prevent any encroachment upon these rights of ours. I find no encroachment upon these rights here.

Individual research unearths no precedent to support you. Nor is this illogical. Were it to the contrary, nearly any crime could be defended against by waving a religious banner. Murder, rape, pillage, incest, and all crimes of violence, are dealt with in the Holy Bible, with the authors thereof often being dealt with sympathetically and apparently escaping punishment. But this is no warrant to the State to permit their commission here.

A century ago in this country the southerner rationalized upon religious grounds his right to enslave the Negro. "God intended," he said, "the white man to be superior. God made the Negro inferior, subhuman, a chattel for me to own and deal with as I wish." And he found words in the Bible which satisfied him that he was right. The devil, of course, can cite scriptures.

I am not a theologian, gentlemen. I am not qualified, nor is it necessary here, for me to attempt to interpret the word of God. With a lawyer's, rather than a theologian's approach, however, I searched the Bible and checked the citations given by your advocates as supporting the doctrine of polygamy. I used the concordance as a lawyer might use a cross-index to the law, and I was led to many books, chapters, and verses. Yet I found, gentlemen, no affirmative approval of the doctrine of plural marriage.

I did find in certain cases an acceptance of it among tribes where it apparently had existed for many years, and where, perhaps, under the economic, cultural, moral, and marital society then in existence, there may have been some justification for it. These same conditions, parenthetically, may have constituted a reasonable justification in this wild country three-quarters of a century ago.

Mr. Kinney has quoted from the Bible. In the sixth chapter of Genesis, as the great story of the flood unfolds, the author wrote, and I quote:

"And it comes to pass, when man began to multiply on the face of the earth, and daughters were born unto them, that the sons of God saw the daughters of men that they were fair: and they took them wives of all which they chose."

This sounds like polygamy. The story goes on to relate that God "saw that the wickedness of men was great upon the earth," and he sent the flood, saving only Noah and his 3 sons, each of which 3 men had 1 wife.

Were these the only ones saved because they were the only ones who did not practice polygamy?

The Bible did not commence with polygamy: the word of God does not show any warrant for such a practice. Your citations all go to the prophets in the Old Testament. Apparently you ignore the New Testament.

The prophet Paul has been mentioned. In an hour's search in the New Testament I came upon at least four admonitions to monogamy, but no acceptance

of polygamy. If you use the Bible as your law, then, gentlemen, it is my conclusion that your authority does not support your contention.

Nor, gentlemen, in this day and age, can polygamy be defended upon an ethical or sociological basis. Law may be defined as the rules of conduct which enable man to live peaceably with his fellowman. The law evolves in direct ratio to the society it serves. Our society today is composed of men and women with equal rights and equal freedom. In this country today the woman is not told when to marry or whom. She is not forced into an unwanted union by her father, her pastor, or the deacons of her church.

The romantic concept of boy and girl falling in love, deciding upon marriage, facing life with its joys and sorrows hand in hand, is not just material for the poets. To force a young girl not yet competent to think or speak for herself into a plural marriage with a man not of her heart's choosing, is to force her into bondage.

To say that a 15-year-old girl who marries a 30-, 40-, or 50-year-old man, selected for her by a committee of other men, does so voluntarily and without force or duress is merely to quibble with words. Our law wisely decrees that a child of such age is incompetent to make any voluntary decision such as that.

Gentlemen, our way of life does not permit the practice of polygamy in America today. You gentlemen had to be stopped. You were fairly treated. There has been no persecution, even though your crime has been enormous, particularly because you have caused the little children to suffer.

Punishment follows crime. It is not easy, however, to fix your punishment in this case. The purposes of punishment have been said to be:

First, to give society revenge for the offense that has been committed against it.

I disown this reason for punishment. Revenge is farthest from my mind, nor does anyone in official position desire any such thing.

Second, to rehabilitate the criminal and deter him from committing the same crime again.

I do not honestly believe that I can rehabilitate you gentlemen. You have an unshakeable belief that it is the rest of the world that is out of step.

I have not heard one word of repentance, despite the tragedies you have brought down on the heads of these innocent children. There has been no promise to reform. Nothing short of life imprisonment I suspect would prevent you from committing the same crime in the future.

The second reason for punishment in this case therefore fails.

Third, the third reason for punishment is said to be to deter others.

Unfortunately, imprisonment for you will not deter other fanatics from doing likewise. Religious fanaticism is fed by hardship. Imprisonment for you would make martyrs and heroes of you in the eyes of others who are inclined in the same direction, instead of leaving you as you now are, a band of forlorn men soon to be forgotten.

Gentlemen, I have heard it said that the State of Arizona cannot stamp out polygamy. I believe that we can and that we will. Our immediate success depends upon action by our sister State of Utah.

As you gentlemen know, I visited Short Creek last week. I saw 32 children attending school in Arizona who, I was told, are children of polygamous unions, but who are residents of the State of Utah. Everyone in this courtroom knows that there is organized polygamy being carried on in the State of Utah today. I call upon the Utah authorities to act promptly and aggressively in this matter so that they may have the respect and regard of law-abiders that Arizona now has.

The Short Creek affair compares to the cataclysm which we remember on this date only as a tiny spark compared to the Chicago fire. Yet great fires start from tiny sparks. It is ironical that some of you gentlemen have faced our enemies bravely and heroically, only to return to Short Creek where by your acts you have given aid and comfort to the same enemy. Nothing delights our enemies more than an opportunity to chronicle open defiance of democratic law. You gentlemen are heroes and martyrs today in Moscow, a fact which I suspect brings you little happiness.

Little has been made of the communistic aspect of your society, but it too will fall. Communal societies have never succeeded in the United States. While a consideration of your economy is not now before this court, I cannot refrain from pointing out that, even in these days of high Federal taxation, the doctrine that the workman is entitled to the fruits of his toil still prevails in this Republic. The success of your United Effort plan was best demonstrated to me when I saw that the top brass has the best and largest homes, and the best and largest cars. "Twas ever thus."

As I understand it, gentlemen, your doctrines are an offshoot of old Mormon doctrines, long since repudiated by the Mormon Church. Prompt excommunication—a punishment not lightly to be faced—from the Mormon Church has been your lot. Distinguished Mormons have taken active part in preparing the cases against you.

Arizona, parenthetically, has been most fortunate in having many great leaders from that great church.

Your children are now being cared for, with their mothers, decently, lovingly, and in a Christian-like manner, in Mormon homes. I pay my respects to the Mormon Church for what it has done and will continue to do in support of the law of the State, and in the care of the innocent byproducts of your criminal acts.

If the great leaders of the church which once embraced plural marriage—the church from which you sprang—now wholeheartedly and unconditionally repudiate the doctrine, does it ever occur to you that maybe, after all, it is you who are wrong?

Gentlemen, it is the judgment of the court that you are guilty of the crime charged, and it is the order of the court that the imposition of sentence upon you (the court names each of the defendants individually) be suspended until December 1, 1954, upon the following conditions:

First, that you shall violate no laws.

Second, that you, and each of you, shall report once each month by letter, over your signature, to Mr. Charles F. Adams, the chief probation officer of Mohave County, here in Kingman, or his successor. Your letter must be mailed so as to reach him as nearly as possible on the 1st day of each month, commencing with the 1st of January 1954, and under no circumstances later than the 5th day of each month.

In your report you shall state what your residence address has been for the past month, and whether you have been continually at that address. In the event that you have changed your residence during the month, you shall so state.

It is also required that you state whether you plan to change your residence during the following 30 days and, if so, to where.

Lastly, it will be required that you state, in writing, that you have not practiced polygamy during the preceding 30 days. I think it is not necessary to define the word to you: I think you all well know what I mean. This requirement is a token of my respect for you. It would be meaningless to require it of the ordinary offender. I believe, however, that you are all men of honor and I trust your word.

A violation of the conditions of your probation by any one of you will mean that upon December 1, 1954, or at any date prior thereto, in the discretion of the court, the violator—the individual who violates the conditions of his probation—will be sentenced to imprisonment.

The period of probation will terminate on that date for the rest of you, if any. Gentlemen, you are now on probation. You take with you my fear that you will fail; my hope that you will succeed; my hatred of your crime; my love of you as my fellow man.

It is now ordered that the bonds heretofore posted to assure the defendants' appearance be exonerated.

Nothing further coming before the court, it is ordered that the superior court of the State of Arizona, in and for the county of Mohave, to stand at recess.

Mr. CAINE. Prior to the time of the arrests search warrants were issued for searches of each of the places of residence. All of the children of the persons placed under arrest, and placed under the protective custody of the court as stated above, were brought before the juvenile court on charges of being dependent, neglected, or delinquent children.

The State highway patrol officers and liquor control officers assisted the sheriff and his deputies in making the arrests, and the children were cared for pending their hearings by the county probation officer and his assistants, women deputies, and a group of State child-welfare officers.

The original plan was to hold all the juvenile hearings in Short Creek, and a number of the cases were heard there, the mothers having agreed to keep their children at home until the hearings were held.

The hearings were before Judge E. Lockwood, of Maricopa County, and Judge J. W. Faulkner, of Mohave County. During the course of the hearings, a number of the children were spirited across the State line, and the sheriff's office learned of a plan that was being formulated in the Mohave County Jail at Kingman, Ariz., by the Short Creek men, to take the children across the State line on their release on bail, and to send them to Mexico.

The juvenile judges, upon the receipt of this information, ordered that the children be placed in the temporary custody of the State welfare department, and a sufficient number of buses were secured to transport the children and their mothers to Phoenix, the number of children sent to Phoenix being approximately 160, and the number of the women being about 40.

May I interpolate right there. The total cost of supporting these children here in this area of Phoenix, under the aid to dependent children program, was over \$110,000, a sum which the county, with a population of some 8,000 people, as Mohave County is, equals 1 year's budget. It would be impossible for Mohave County to handle such a load.

The remaining juvenile hearings, and all of the final orders, were made in Phoenix. All of the children were made wards of the court, and were placed in temporary homes with their mothers, and aid for dependent children was provided for them by the State and Federal welfare agencies. In a few instances, parents were permitted to retain the immediate custody of their children, upon the condition that they were not to be returned to Short Creek.

The parents at the juvenile hearings were advised by the judges who sat en banc at the hearings that the records of the juvenile cases would not be released against them for use in the pending criminal cases, the purposes on the part of the juvenile judges being to obtain as much information as possible as to the surroundings of the children.

The parents thereupon freely admitted that they were living in polygamy, and almost all of the adult population in the community were doing likewise; that it was the command of God, given through the prophet Joseph Smith, and that it was their intention to continue the practice and teach it to their children, regardless of any constitutional laws to the contrary.

We found literature to the effect that they were teaching their children that Jesus Christ himself had many wives and many children. I have such printed pamphlets right here in my briefcase which I will be glad to show you.

Senator LANGER. Will you put them in the record, please.

Mr. CAINE. Yes, I will do so. That is in a magazine called "Truth."

(The document referred to above was marked "Exhibit No. 3," and is on file with the subcommittee.)

Mr. CAINE. The court found from the evidence that the morals of the children were endangered by their home surroundings, and their surroundings in the community as a whole, and directed that they should remain in the custody of the Arizona State Department of Public Welfare, and remain wards of the court pending further orders.

During April 1954, the parents of four of the family groups applied to the Supreme Court for writs of habeas corpus against the State welfare department for the release of the children.

Senator LANGER. The State Supreme Court of Arizona?

Mr. CAINE. Yes, sir. And those actions were referred, under our State law, to Judge Henry S. Stevens, of the Superior Court of Maricopa County, neither of the juvenile judges being named as respondents in the cases.

Now, while it is spoken of as a referral, it is not like you are familiar with, where they recommend back. The Superior Court judge's action is independent and is not a recommendation referred back to the Supreme Court. So Judge Henry S. Stevens held the oral hearings in April of 1954, but took the cases under advisement, and rendered no decision until after the expiration of the term of office of Attorney General Jones.

On March 3, 1955, not quite 2 months ago, he issued a writ of habeas corpus commanding the return of the children to their parents.

Applications for writs were thereupon issued for the release of all the remainder of the children, in 39 other juvenile cases, and writs were summarily issued in all the cases for the return of the children to their parents, the last writs having been ordered on March 21, 1955.

I will introduce a copy of Judge Stevens' order, if you will so permit.

Senator LANGER. That will be received as an exhibit and placed on file.

(The document referred to was marked "Exhibit No. 4," and is on file with the subcommittee.)

Mr. CAINE. Approximately 160 children were released under these orders and most of them were returned to Short Creek where their surroundings are about the same as when the juvenile court made the original orders for their custody during July, August, and September, 1953.

We will also submit a list containing the Mohave County Juvenile Court numbers of the cases, the names of the children involved, and the names of the mother.

Senator LANGER. That may be received as exhibit No. 5 and filed.

(The document above referred to was marked "Exhibit No. 5," and is on file with the subcommittee.)

Mr. CAINE. Judge Stevens held that the parents were denied the right to be represented by counsel in juvenile hearings. The sole basis for such holding apparently was a statement that was made by Judge Faulkner, in one of the hearings, that the presence of an attorney in a juvenile hearing is a matter of courtesy, and not a matter of right.

Judge Stevens conceded in his order of March 3, 1955, that the attorneys were actually present at the hearings, and were recognized by the court as the attorneys for the parents, and were not denied the right of cross-examination or the right to present witnesses of their own. But for that reason he in effect reversed all of the juvenile cases, holding they had been denied one of the fundamental rights of representation by counsel, and granted the writs of habeas corpus, notwithstanding the fact that the Arizona juvenile law is patterned on the California law, and the Supreme Court of California in three cases, particularly the chief case being Ray O'Day (159 Pacific 2d, series 525), had passed upon exactly the same situation and sustained the position of the juvenile judges that the juvenile cases attorneys were not allowed to represent the parents or children as a matter of right.

It was shown during the proceedings that a number of the men had from 3 to 6 wives each. In fact, in 1 case, there was 1 case that impressed me most strongly, where there was 1 man who had 5 wives

and 30 children living in 1 building, and the building was not too large at that. In several instances all of the wives and all of the children were living under the same roof, there being from 25 to 30 children in some of the households.

A list of girls under the age of 18 years, as shown by the juvenile records of Mohave County, who were pregnant, or the mothers of children fathered by men several times their own age, and who were legally married to other women, will be attached to the draft I will submit to you, if you would care to see it.

Senator LANGER. It may be received as exhibit No. 6 and filed.

(The document referred to was marked "Exhibit No. 6," and is on file with the subcommittee.)

Mr. CAINE. In fact, in going over these records just this past week in preparing for this appearance, in response to the telegram I received, my attention was called to something that I had missed before, and that was that at 1 of the juvenile hearings 1 of the mothers gave her age as 25 at the time of the hearing, and stated she had a son 14, which by my mathematical calculation or deduction would leave her at the age of 11 when her son was born.

Sex offenses usually are hard to prove, and such offenses are complicated in the above-mentioned locality, by reason of the State line. It is practically impossible to prove venue in these various cases of statutory rape. We think it quite certain that females are taken back and forth across the State line every day for immoral purposes. There are approximately 300 children now living in the Short Creek neighborhood.

Since the entry of the orders by Judge Stevens, and their return to that vicinity, it is our contention that the morals of all the children are endangered.

We are advised by the deputy sheriff in that community, who is here today with his wife, that—we have been using the word "recruits"—recruits are arriving from Canada, from Idaho, and from Colorado, where their other colonies have been located. They apparently feel that they have found a soft spot in one of the most isolated areas that they could find, which is northern Mohave County, as was pointed out to you, practically impossible to get to by law enforcement officers. It is rather a long tedious trip, and they always seem to know when we are coming. As I said, we in Mohave County, being the fifth largest county in the United States with the smallest population, are not in a position financially to carry this load that we have tried to carry. We have tried prosecution. It is our belief that if the removal of females across the State lines for immoral purposes is checked, that the county will be placed in a position to be able better to protect the interests of the girls whose lives are likely to be ruined under present conditions, and the boys who are being taught to violate the laws of the United States.

In some of the earlier applications for the modification of the juvenile court orders, prior to these writs of habeas corpus being granted, we were told many times by the parents that they would no longer practice polygamy, but they would continue to teach it to their children, if their children were returned to them, they would teach it but not practice it.

Now, the men of that group still claim the right to practice polygamy under the freedom of religion clause of the United States Constitu-

tion, notwithstanding the decision of the Supreme Court to the contrary. They contend that our Supreme Court was wrong, and therefore, they are not bound by the Supreme Court decision, and that such a law is unconstitutional. It boils down to the statement that our county does not have sufficient facilities or money for handling so many juveniles. There are some 160 known juveniles now, and with this influx we have been having in the last 60 days, because of their return and because of their belief that there is one community where we can practice polygamy and get away with it, we can now no longer handle the problem in the size county with our facilities and our taxable wealth.

For instance, while I am county attorney, I have no assistance, I do not have even a deputy No. 1. I am the whole office.

Now, sir, we respectfully request that your committee make a thorough investigation of the conditions, and that you recommend that appropriate action be taken by the Attorney General of the United States, as apparently they took back in 1945 and 1946, when they did look into the matter, and received a number of convictions.

I further call your attention to the fact that members of the Short Creek group claim that there are from 2,500 to 5,000 adherents of their cult living in and around Salt Lake City alone. We have reason to believe that there is an interstate conspiracy to practice polygamy in violation of the laws of this and other States. I have referred to the magazine Truth, which is published in Salt Lake City, which openly advocates the practice in violation of the law, and is accepted by the Postal Department and mailed to the subscribers, of which I am one. I receive it monthly through the mail. It advocates the practice of polygamy, and, as I said, one of their copies, or one of their issues is devoted entirely to the story of Jesus Christ being an active polygamist, having married several women, and having had a number of children.

So that is the condition with which we are confronted, and it is a tremendous juvenile problem in Mohave County.

Senator LANGER. This certainly has been most interesting.

Mr. HAYES, what do you have to say?

Mr. HAYES. Mr. Caine just mentioned the fact that he is one of the special assistant attorneys general to assist us on selective-service matters and to hold hearings up in that area. I have never had the pleasure of meeting him before, although we have had some correspondence.

With reference to the matter at hand, that is the Short Creek problem, my office has never had called to its attention particularly the aspect of this taking female persons across the State line for immoral purposes.

Maybe Mr. Caine might say, "Mr. Hayes, you have not been reading the newspapers sufficiently." In my recollection of the stories I have not had that point called to mind very forcibly. I don't think there has been any recent FBI investigation of that situation. I would be happy to take that matter up with the FBI with a view to any possible violation of the so-called Mann Act.

If there are those violations that is certainly one way we could possibly curb what is going on, without any additional Federal legislation.

Certainly this matter should be brought to light, but I don't like this to be called an admission that the State of Arizona itself is unable to handle the problem.

Certainly, if Mohave County has a problem, it has to get some help out of the State of Arizona in order to solve that problem without it being made a Federal problem.

Now, maybe Mr. Caine would show me that the State of Arizona has failed to solve the problem, and therefore there should be Federal action, but I don't quite know what it would be. It seems to me to be an invasion of a field that has been very definitely left to the States, and I am not convinced that it should be in any way taken away from the States.

Senator LANGER. Judge Faulkner, we would like to have your views.

**TESTIMONY OF J. W. FAULKNER, FORMER JUDGE OF
MOHAVE COUNTY, ARIZ.**

Mr. FAULKNER. I would like to say a few words in respect to that matter.

Senator LANGER. Yes, sir. You can talk all afternoon if you want to.

Mr. FAULKNER. I want to hand the Attorney General a list of authorities regarding some cases where the Federal court in Utah, sometime during the 1940's, carried on extensive prosecutions on account of the removal of females across the State line at this particular point. There were several convictions, and in the group that Mr. Caine mentioned they had entered pleas of guilty to the charge of conspiracy, where several men who had just completed serving terms in the Federal prison on those charges, and there were several convictions also in the State of Utah in the State courts.

Now my attention first was called to this situation, and I first had my suspicions aroused, and I made my first campaign for election as judge in 1934 in Mohave County, and I met Roy Sutherland Johnson, who is reputed to be the leader of Short Creek and Salt Lake City, he is reputed to be the leader of this group that numbers anywhere from 2,500 to 5,000 people.

I met Mr. Johnson near his home. It is a small building containing, I would say, about 3 rooms. I saw 15 or 20 children around the place. I also saw a number of women there.

He took me over to his place and introduced me to Mrs. Johnson. He said nothing about who the other ladies were. I handed my card to them, but I never found out who they were.

Following my election as judge in 1935, there was a series of prosecutions commenced by the then county attorney. There were three convictions. The prosecution was under the State statute prohibiting unlawful cohabitation.

Senator LANGER. The juries convicted them?

Mr. FAULKNER. At that time our welfare work was not as well developed as it is now, and the woman who was arrested and convicted had four small children. I placed her on probation in order to enable her to care for the children, but the two men were sentenced for from 18 months to 2 years. I have since met those men, and I think they have kept clear of further polygamist marriages.

In the late forties, after this infiltration that Mr. Caine has mentioned, I began to receive and hear rumors from that community. Judge Luitzen, who was a justice of the peace there for many years, and who served 8 or 9 years somewhere up in Utah, was opposed to the polygamist ideas, and he kept reporting to me vaguely that they were practicing polygamy, and mentioning certain things.

In one letter he told me that two of the young girls of the community had been taken off by married men, but he gave no names.

I kept hearing those rumors and they became so numerous that on March 30, 1951, I wrote a letter to Governor Pyle, setting out the situation, and calling his attention to the great distance of that neighborhood from the county seat. As has been stated, it is 249 miles by the nearest route, and the nearest route that is used is by Flagstaff, and that is around 400 miles.

I requested the Governor to turn it over to the attorney general and request him to look into it. He did so, and the attorney general made investigations. He called in the Burns Detective Agency, and two of their operatives went in and stayed in the community long enough to get the location of the different families, the number of women in them, and some of the children.

Through the assistance of the then attorney general of Utah, the birth records of the State of Utah were obtained, and the birth records of this State were also made available, so in that way the parentage, the fathers of the children were learned.

Now, I believe Mr. Caine—did I hand you a statement, an article that the Governor made?

The Governor eventually declared a state of insurrection in Mohave County, and especially in Short Creek. He issued a proclamation to that effect. After various conferences in some of which I sat, the Governor and attorney general of Utah were here in Phoenix, and talked over the situation.

The assistant United States attorney, who had prosecuted these cases in the Federal court was also present at those conferences, and they formulated a plan to arrest the entire population who were guilty of practicing polygamy.

That gave us a terrific problem of trying to take care of the children. Now, here is this article, if you care to submit it to the committee.

Senator LANGER. Yes, that will be received at exhibit No. 7.

(The newspaper article referred to is as follows:)

[From the Arizona Republic, Phoenix, Ariz., July 27, 1953]

PYLE CONDEMNS SHORT CREEK "PLOT" AS INSURRECTION—COUNTY ASKED AID, GOVERNOR REVEALS

This is the text of a radio address to the people of Arizona by Governor Pyle following yesterday's police action against residents of Short Creek:

Before dawn today the State of Arizona began and now has substantially concluded a momentous police action against insurrection within its own borders.

Arizona has mobilized and used its total police power to protect the lives and future of 263 children. They are the product and the victims of the foulest conspiracy you could possibly imagine.

More than 100 peace officers moved into Short Creek, in Mohave County, at 4 o'clock this morning. They have arrested almost the entire population of a community dedicated to the production of white slaves who are without hope of escaping this degrading slavery from the moment of their birth.

Highly competent investigators have been unable to find a single instance in the last decade of a girl child's reaching the age of 15 without having been forced into a shameful mockery of marriage.

The State of Arizona is fulfilling today one of every State's deepest obligations—to protect and defend the helpless.

The State is moving at once to seek through the courts the custody of these 263 children, all under the age of 18. They are the innocent chattels of a lawless commercial undertaking of wicked design and ruthlessly exercised power. This in turn is the cooperative enterprise of 5 or 6 coldly calculating men who direct all of the operations and reap all of the profits, and are the evil heart of the insurrection itself.

It is no surprise that some of these vicious conspirators are former convicts.

Warrants were carried into Short Creek this morning for 36 men, many of them related, who include not only a hard core of plotters but a wider circle of fawning beneficiaries of this conspiracy that the State of Arizona is determined to end right now and completely.

As the highest authority in Arizona, on whom is laid the constitutional injunction to "take care that the laws be faithfully executed," I have taken the ultimate responsibility for setting into motion the actions that will end this insurrection.

It should be clearly understood at this time that so complicated an operation has required and has received the cooperation of many elements of our Government—and has been undertaken only as a last desperate resort.

In many situations of the last few years I have reminded the people of Arizona that law enforcement is primarily a county problem—until such time as the counties themselves declare or by their actions prove that they are able no longer to fulfill their function.

Mohave County appealed for State intervention to end this insurrection. The county's plea came to your Governor from the Honorable J. W. Faulkner, Mohave County's highest legal authority as judge of the superior court there, in March of 1951, when I had been on duty only 2 months.

Judge Faulkner recited the almost incredible details of this conspiracy—details almost revoltingly incomprehensible at this midpoint of the 20th century. The sheer magnitude of the situation demanded immediate action, but even more urgently required proof beyond any possible doubt.

Hence it is that 26 months have passed since Judge Faulkner's first letter came to me. The investigation has been most thorough. Two attorneys general have participated. Appalled successive legislatures have approved funds for every phase of the investigation—and it has been from the very beginning a disturbing undertaking.

It has been, frankly, the one and only real sorrow of my administration, intruding as it has on a hundred other problems of State, and occupying the time and energy of scores of men and women. There had to be absolute certainty that in the end the innocent should be as securely protected as the guilty were severely punished.

Before a single complaint was drawn, or a single warrant prepared, or the first preliminary order for today's action issued, we had to be certain beyond the last shadow of doubt.

All doubt is erased when it is realized that in the evidence accumulated there are multiple instances of statutory rape, adultery, bigamy, open and notorious cohabitation, contributing to the delinquency of minors, marrying the spouse of another, and an all-embracing conspiracy to commit all of these crimes along with various instances of income-tax evasion, failure to comply with Arizona's corporation laws, misappropriation of the school funds, improper use of school facilities, and falsification of public records.

The leaders of this mass violation of so many of our laws have boasted directly to Mohave County officers that their operations have grown so great that the State of Arizona was powerless to interfere.

They have been shielded, as you know, by the geographic circumstances of Arizona's northernmost territory—the region beyond the Grand Canyon that is best known as The Strip.

The community of Short Creek is 400 miles by the shortest road from the Mohave County seat of Kingman. Short Creek is unique among Arizona communities in that some of its dwellings actually are in another State.

All of the residents of Short Creek who live in Utah have been charged with the crimes they have committed in Arizona. We have neither enlisted nor encouraged

the State of Utah to take action simultaneous with or parallel to our own, for it is a mass insurrection against the State of Arizona that we seek to suppress.

To the best of our knowledge and information, there are only five residents of Short Creek who are in no way involved in the situation.

They are Mr. and Mrs. Jonreed Lauritzen, Mr. and Mrs. Alfonso Nyborg, and Don Covington. They are old residents of a colorful part of Arizona who have found themselves surrounded by this conspiracy, and have given invaluable help in the elimination we have now undertaken.

Massive cliffs rearing north of Short Creek's little central street provide a natural rock barrier to the north. To the east and west are the sweeping expanses of dry and almost barren plateaus before the forests begin. To the south there is the Grand Canyon.

It is in this most isolated of all Arizona communities that this foulest of conspiracies has flourished and expanded in a terrifying geometric progression. Here has been a community entirely dedicated to the warped philosophy that a small handful of greedy and licentious men should have the right and the power to control the destiny of every human soul in the community.

Here is a community—many of the women, sadly, right along with the men—unalterably dedicated to the wicked theory that every maturing girl child should be forced into the bondage of multiple wifehood with men of all ages for the sole purpose of producing more children to be reared to become more chattels of this totally lawless enterprise.

Some of the boys have escaped this dreadful and dreary life. But the girls—no. The very institutions such as the schools, upon which we all depend for the cultivation of the ideals that have made the Nation great and Arizona great, have been perverted to the incultation in our young of a devotion to this rank and fetid distortion of all of our basic rights and ideals.

The very operations of this insurrectional conspiracy, with its complete disregard of all decency and of all law, have served to expand the population of Short Creek until it is probably the second largest community in Mohave County.

Sixteen years ago it was nothing. You may recall that at that time two individuals, who were almost all of the male population of Short Creek, were sent to the Arizona State Prison to serve terms for flagrant violations of the State's moral laws.

They had a half a dozen wives or so.

But their prison terms ended—they returned to Short Creek—and now the 2 have expanded to the 36 men named in warrants today—and their wives have increased from half a dozen to 86.

The criminally deadly part is that their children under legal age now number the 263 mentioned earlier.

It is easy to see from this rapid expansion that in another 10 years the population of Short Creek would be in the thousands, and an army would not be sufficient to end the greater insurrection and defiance of all that is right.

Of the 122 persons named in warrants as being involved in this ever-growing conspiracy, 85 have their principal homes in Arizona. The rest base their operations in Utah, although a number of these have additional homes in Arizona.

Not all of the men for whom warrants have been issued have been arrested as yet, but it is fully anticipated that they will be. Those who have crossed or subsequently cross the State line into Arizona during the course of the police operations will be jailed on the Arizona warrants. Those who elect to remain in Utah will be sought on warrants of extradition.

This may take days or weeks, but it will be done. It is regrettable that this action had to be undertaken on a Sunday, but there were a number of vital considerations. There has been a community entertainment the last day or two in Short Creek that has attracted the maximum number of those named in warrants. Today the maximum number of police officers have been free from other duties.

It should be emphasized here that we have gone to almost unbelievable lengths to insure that the rights of no one are violated or even jeopardized in this action.

Moving into Short Creek right behind the officers with their warrants have been the courts. Superior Judge J. Smith Gibbons of Apache County has been acting as committing magistrate, and has observed every legal propriety in holding the principal defendants to answer for trial in superior court as he also ordered these principal defendants to jail in Kingman, the county seat.

The defendants are being transported right now to Kingman to await release on bail for those who are able to provide it, or who have it provided for them. These are the men and some of the more ardently involved women.

In the case of the unwilling wives and the children, the action has been parallel but entirely different. Juvenile judges have gone along with the other superior court judges.

Judge Lorna Lockwood of Maricopa county, whose understanding in juvenile matters is widely recognized, and Judge Faulkner himself, have started and for some time will continue a series of juvenile court actions through which the State of Arizona expects to be able to provide protection for the 263 children.

This protection is very inclusive. It is calculated, under Arizona's laws, to give these children every possible garment of secrecy so that in years to come, the action in which they are now involved cannot appear anywhere as a matter of public record.

Right along with the courts have gone trained social workers. A full staff from the State department of public welfare has gone along with the officers and the courts to take immediate custody of those children the courts decide should be brought under the protection of the State of Arizona.

There hasn't been and there won't be any hardship in all of this. Facilities, equipment, and supplies have been sent into the area to be prepared to feed every defendant and every innocent victim, and every officer and participating State official, as long as it may be necessary.

There is a medical staff to guard against any health contingency, and facilities are provided to care for everyone. There has been and there will be no invasion of homes for quarters, for our people have with them a complete miniature tent city which now has been erected in unused community space, and will house the State's personnel for as long as such housing is necessary.

Representing the State department of law in the filing of complaints, the issuance of warrants, and the general direction of all legal phases of this operation is the attorney general himself, Ross Jones.

He has with him three of his assistants, John Eversole, Paul La Prade, and Kent Blake. La Prade and Blake are the men who have conducted the preparation of all of the cases designed to shatter for all time this insurrection and the conspiracy that supports it.

To climax their work and beginning the conclusive phase of this operation, I signed an official proclamation on July 1, declaring a state of insurrection to exist in Mohave County and in the community of Short Creek.

Secretary of State Wesley Bolin and State Auditor Jewell Jordan have cooperated fully in handling the transfer of funds, especially appropriated to the Governor's office for this purpose, to the office of the attorney general—and in the proper and orderly expenditure of sums from that appropriation.

As your Governor, I have been at my desk since early this morning, ready to issue any order or authorization to meet changing plans or unforeseen circumstances. I have been in complete and almost instantaneous contact with the operation from its beginning, through my administrative assistant who is at the scene.

To the eternal credit of the press and radio of Arizona, none of this complex operation has been publicized in advance in any way, although representatives of all media have been fully appraised of every development during the entire 26 months of preparation. The whole purpose of this operation would have been destroyed had any part of it been known generally in advance.

Now this most necessary cloak of secrecy is removed.

From here on out and no doubt for some time to come you will be hearing directly from press and radio correspondents whose names you know well and in whom you have implicit faith.

They have gone right along with the officers and the courts, to observe and report everything.

While we leave the remainder of the details of this fantastic insurrection and its ending in their hands, it must be reiterated that the State of Arizona is unalterably pledged and determined to stop this monstrous and evil growth before it becomes a cancer of a sort that is beyond hope of human repair.

Even if the letter of the law didn't exist as it does—common decency demands this.

These children have the rights of all native-born Americans—the rights that were written into the Declaration of Independence.

The right to life, liberty, and the pursuit of happiness—and as has so often been emphasized since, happiness of their own choosing.

The State of Arizona is determined to insure that they have those rights for the remainder of their lives.

We could do no less than this.

Mr. FAULKNER. Governor Pyle made that statement over the radio the morning after the raid was made, after the men were arrested, and there was something like 100 police officers present to assist in the arrest. Some of the people threw a dynamite bomb at one of the police cars, as it went in, but they finally decided they were outnumbered, and surrendered to the officers. Otherwise, I am quite sure that there would have been bloodshed.

But the Governor in that statement makes the statement that there were 263 children interested. We had to prepare, we knew that the arrests were going to be made, and we knew that those children would be left helpless, and in order to meet the situation we prepared the juvenile complaints and had the juvenile officer present to take charge of the children.

The Governor states that there were 263 of them. The juvenile court acquired jurisdiction, as I recall, of approximately 200. There were a number of the boys over 16 years of age who were eventually dismissed from the case. There were a number of the girls who were found to be pregnant, who had parents up in Utah. We had no place to put them in Arizona, and we sent them back to their mothers in Utah.

All told there were about a dozen young girls, I should say, from 14 to 17 years of age, who were either pregnant or had children, and 1 or 2 of them had 2 or 3 children that had been fathered by men who were much older than they, and legally married to other women.

Now, in the juvenile hearings, Judge Lockwood and I sat en banc in the hearing of the juvenile cases, and at the outset, with a view of finding out what the situation was as to the children, what their surroundings, we gave the parents the assurance, which we had a right to do under the law, that the records in the juvenile cases would not be released for use against them in the criminal cases then pending against them.

They were all arrested on a blanket charge of conspiracy. The purpose of the blanket arrest was to serve as the basis for serving search warrants, and each of the houses were served with a view to securing evidence of these other offenses that are necessarily included in the act of polygamy, although we have no law in Arizona, no statute, providing a punishment, but the other acts necessarily are involved in the practice of polygamy.

The general purpose was to secure evidence for these various other offenses. Well, as a result of our assurance to those parents they said, "Well, it is our religion, the United States Constitution guarantees religious freedom," and, of course, they took that stand, notwithstanding the fact that the United States Supreme Court in 1890, or about that time, had held that the Federal statute prohibiting polygamy was not a violation of the constitutional rights to religious freedom, but that was their position, and they said, "We are teaching it to our children, it is our duty to do so, and we expect to continue to teach them that way, regardless of any Constitution or laws to the contrary."

So under those conditions we had no difficulty in finding that the moral surroundings, the morals of the children were endangered by the surroundings, not only in the home but in the community.

They admitted that about 90 percent of the entire population of the town were preaching and practicing polygamy. Up to that time they had apparently tried to hide it, but from that time on they put

on a bold front, and continuously up to this time, so far as I know, they have insisted on going ahead with the practice under the claim of religious liberty.

Now, the present situation—as I am here, I am a retired judge of the superior court, and I am drawing a salary from the State of Arizona as a retired judge, not an ex-judge, but a retired judge, and as such the law prohibits me from engaging in the private practice of law. So I am not here as an attorney, nor in any official capacity. I am here as a private citizen, because I realize from my acquaintance with the situation for 20 years that there is approximately 300 children in that Short Creek section whose morals are endangered, who will be taught to be law violators, and I am here for that purpose, at my own expense, because I want to see something done for it.

As to what can be done, the State of Utah had acted before this commenced. During these conferences one of Mr. Hayes predecessors was requested to step in. His predecessor was Mr. Flynn, and Mr. Flynn declined to act. He was prepared to run for Congress, and by the way, I want to call your attention to a situation, to an erroneous idea that many people have. A great many people tell you that all of the Mormon people, or all of the members of the Latter Day Saints Church are in favor of polygamy. Here is a significant fact, in the prosecutions of 1935 that were conducted by Judge Bollenger in my court, the persons who were prosecuted had been expelled from the regular Mormon Church a year before the officers took it up.

Again, in this prosecution in Short Creek, involving some 36 men and around 50 women, so far as we can find out, every one of them had been expelled from the regular Mormon Church before the proceedings were commenced. And that is a significant fact for your consideration.

Now, as to the remedy: The FBI held back, we called on the FBI, and I requested one of the gentlemen in charge here to look into the situation, and he said he could not do it until he received orders from Washington. Apparently investigations are not made in those matters until instructions come from the Attorney General.

SENATOR LANGER. That is correct.

MR. FAULKNER. And the Attorney General had directed it, in the cases in Utah, but he failed to act. At any rate, he did not act in this State.

Now, I think that it could be done, and as to a further remedy, it is my view that there must be regulations which will increase the penalties as to the removal of juvenile across a State line.

Now, I got information, and it is largely hearsay, but the Attorney General's office here had talked to 1 of the women who told them that she was taken over as a plural wife when she was 11 years old.

Now, I received information also that during this time, between 1935 and the time of these arrests in Utah, that one of the leaders had taken two young girls from Short Creek up to Salt Lake City, and entered into a marriage ceremony of some sort with them, and that one of the girls did not know what it was all about until she was told to stand up to be married.

It is to save these young girls from being ruined, and to save the boys from being taught to be criminals, that we are trying to make this fight, and we are asking if you can do anything to assist us in the situation.

There were all told, I think, 162 children that were placed in charge of the State welfare department. We ran up against this obstacle, that in order to secure aid to dependent children it was necessary to place the children in the hands or in the custody of relatives. The juvenile cases—there was a separate juvenile case made for each woman and her family of children. It had to be done this way, because if they named the man, and included all of his wives and children in one juvenile case, we would have run into complications in arranging the work, so there were, all told, as I recall, 67 juvenile cases filed. There were about 50 of them that were finally heard and disposed of.

We found that a number of the children had moved over to the Utah side, so we had no jurisdiction over them. There were a few cases, 3 or 4 cases, where after sizing up the entire situation, we dismissed the cases, but the final group included in this writ of habeas corpus the first of the applications included 4 of the cases. They were the ones that I considered the weakest cases, and where I would have been willing to send the children back to their parents, but I would not consent to the children going back to Short Creek, because just as some of the officers said, they had to stay in Short Creek in order to preach to each other and to go ahead with law violation.

So that those families I would have sent them out, and I gave their attorneys to understand it, and he seemed favorable to it, but after I talked it over with them they refused to do it, and the result is that we let them stay in the hands of the welfare department.

Now, in my opinion there are just 2 remedies, 2 ways of stopping polygamy: One is to go right down the line and prosecute and convict and sentence every man and woman guilty; and the other is to take the children of these bogus marriages and turn them over to a proper department for placement in juvenile homes or for adoption.

The court has not the right to do it under certain circumstances, under the juvenile law of this State, and my plan was to do just that in the cases where the women kept insisting that they had no further plans except to go back to Short Creek. I believe we could have done it under those circumstances.

I received reports every 3 months from the State welfare department for about a year, reporting the progress that they were trying to make in the rehabilitation of these women.

There were some of them who did talk some sense, but the majority of them said, "We are going back home to Short Creek and take our children back there." The result was that I had formulated my plans to issue orders to show cause and bring them in in those cases where they were so obstinate, with a view to terminating parental relations.

We all thought that the State welfare authority had the authority to accept the commitments, and to place the children and consent to their adoption. The general statute provides that the department should have the right to care for the children, and I considered that sufficient authority for them to do that.

But at that time the Supreme Court of Arizona handed down a decision in an adoption case at Tucson that in no way involved the question of polygamy, and held that the State welfare department could not consent to the placement of children for adoption. It did hold, however, and the statute so provides, that the State welfare department may authorize the agency to accept the children, hold them, and

place them for adoption, and consent in the adoption court to their adoption.

The statute is worded so that it provides for that, and I found on inquiry that there were just two agencies out of the county welfare board, the county welfare boards were so authorized, each of the county welfare boards, and the Jewish and Catholic welfare agencies of Phoenix and Tucson are the only two other organizations in the State that could do it.

Then I called up the assistant attorney general and representative of the welfare department came to Kingman and talked over the situation, and we found that there was not one penny in the county welfare funds to take care of the children in the interim between the order terminating his option and the final placement of the children for adoption, which might be anywhere from 4 to 6 months, or for a year or a year and a half; under those circumstances, I threw up my hands.

The legislature did enact an extensive bill revising the State welfare law, and they did provide in that law for the State board to accept those commitments for adoption, and to consent to the adoption, but there were administrative questions that were raised about it that made it seem so uncertain that the legislation of 1952 repealed it, leaving the present law in force.

So we have a peculiar situation of the State welfare department being able to authorize others to do those things, but not being able to do it themselves. In other words, the creature has more power than his creator. It is an awkward situation, but the officers are handicapped.

Now, as to my personal interest, I might just as well forget about it, but I have seen so much of this situation of those children, and I have given a great deal of thought to the situation, and tried to figure out some way to help them, and in the trial, the technicality, and which I considered a mere technicality or a legal fiction, as constituting the sole basis for Judge Stevens' decision which set aside the work in 434 juvenile cases to which Judge Lockwood and I had given careful consideration.

Both of us exercised equal jurisdiction with Judge Stevens. So I am not satisfied that it was my blunder, but one or the other of us made an awful blunder. I will not concede that it was my blunder, unless the supreme court eventually says otherwise.

Now, the attorney general assured me that he would appeal this case to the supreme court, and so announced through the press just a few days ago, just very recently, that he was appealing it to the supreme court, but so far as those children are concerned, there is a peculiar thing about the situation. I don't know, it is something that the doctors might explain, that those children, about two-thirds of them are girls, and among those girls that were returned to Short Creek, or ordered to be returned there, I would say there are 40 or 50 of them over the age of 11 years, and who are in immediate danger if the practices in that community are continued.

Now, that is the situation as nearly as I can explain it, and I feel that in two ways the United States, that is, the Congress, might aid the situation. They might furnish additional funds for the district attorney to have a sufficient force to watch the situation and look

after it properly, and that there might be legislation increasing the penalty for the removal of these young girls, the teen-age girls, across the State line.

Senator LANGER. Well, Judge Faulkner, you have come to the right place with your complaint.

Mr. FAULKNER. I hope so.

Senator LANGER. That is one reason why this subcommittee was organized. Now, the United States Government has ample power to deal with the situation.

Mr. FAULKNER. I feel that way about it.

Senator LANGER. The Attorney General of the United States can increase the appropriations for Mr. Hayes, and can increase Mr. Hayes' pay in a law we passed down there, very, very substantially. In addition to that, he can name all of the Assistants Attorney Generals that are necessary, and pay them any salary up to a certain amount fixed by statute, so he can get able and competent counsel, and as many as may be necessary.

In the third place, the Attorney General has plenty of money with which to enforce the laws of the United States Government, and if he is short of money there is no doubt at all in my mind but that Congress will give him any amount he may need.

Mr. FAULKNER. I hope, Senator, that you and counsel will read this statement that was made by Governor Pyle.

Senator LANGER. You can be certain that we will read every exhibit that is presented here.

Mr. FAULKNER. Well, in that case I believe Mr. Caine has an exhibit here. I will explain this. This is a map that was prepared of the town by the Burns' operatives, and was used as the basis for the making of the arrests when the arrests were made. The arrests occurred on the 6th of July 1953.

Each of the officers was furnished with a copy of the map, so that they would know where they were going, and they knew what to look for.

Mr. CAINE. If I may interrupt, the value of the map was to show the approximate position, and the proximity of the dwellings, the homes, and the position of the Arizona-Utah line, to show how easy it is for them to move back and forth across the State line.

Senator LANGER. You can be assured that this subcommittee will take definite action on it.

The map may be made a part of the record and placed on file.

(The map above referred to was marked "Exhibit No. 8," and is on file with the subcommittee.)

Mr. FAULKNER. I wish to say to you that Mr. Caine will look after that. The sheriff of Mohave County and a couple of witnesses from Short Creek are here.

Senator LANGER. I want the district attorney to know that he came to the right place, and I want to compliment you, Judge, for coming here today and bringing the matter up, and I want to thank Mr. Hayes for being here today. In my opinion, there won't be much trouble in getting this entire matter properly taken care of.

Mr. FAULKNER. We need assistance, and we are not able financially to take care of it.

Mr. CAINE. We are not big enough to handle it ourselves.

Senator LANGER. You don't have to worry about it, about not being able to take care of it, because as chairman of this subcommittee temporarily you can be certain that you will get definite and prompt action.

Mr. FAULKNER. Thank you.

Senator LANGER. I want to thank you, Judge Faulkner, for being a good citizen and going to all the trouble you have.

This subcommittee likes to get tough problems, and this is one I think that will be very interesting to the full committee, and I promise you there will be a full report made of it, and it will be brought to the attention of the Attorney General of the United States, Herb Brownell.

The report will be made in writing, and we shall request prompt action from the Attorney General of the United States. As I say, he has all of the provisions necessary for all of the legal assistance, and for any other assistance that may be needed to solve this problem. I think you will be entirely satisfied with the action that Mr. Brownell will take when the matter is brought before him. We will be in touch with you, Mr. Hayes, and it may necessitate a trip to Washington on your part. You will have to figure out how many assistants you need, but whatever you need, will be supplied, you can be sure of that.

Mr. HAYES. I appreciate that assurance, sir.

Senator LANGER. Is there any other witness here in connection with this matter?

Mr. CAINE. We have other witnesses, but we feel that the matter has been rather well presented. If you would like to have some personal insight—

Senator LANGER. I would rather take that in executive session. Mr. Brownell will be interested in the other witnesses, and we will take their testimony in executive session and submit it to the Attorney General of the United States.

Mr. CHUMBRIS. We have completed with this matter for today, and we will now return to matters concerning the Indians.

Senator LANGER. Just a moment, please. Is the assistant attorney general of the State of Arizona here?

Mr. CHUMBRIS. I am informed that he just left. He was here all day.

Senator LANGER. Let the record show that the Federal Government will cooperate with the State authorities, and if legislation is needed, you will investigate it, and see if money is needed for the children, so that the proper bill is drawn up to take care of the children. I will depend upon you to have that bill drawn and introduced right away. I am sure that Mr. Kefauver, Mr. Hennings, and the other members of the subcommittee will be very anxious to go into this matter fully and completely.

Mr. CHUMBRIS. Very well.

(Whereupon at 5 o'clock, the subcommittee adjourned and proceeded to other business.)

JUVENILE DELINQUENCY

(Plural Marriages)

THURSDAY, APRIL 28, 1955

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
TO INVESTIGATE JUVENILE DELINQUENCY,
Phoenix, Ariz.

The subcommittee met, pursuant to call, at 6 p. m., in the House of Representatives Chambers, State Capitol Building, Phoenix, Ariz., Senator William Langer (presiding).

Present: Senator Langer.

Also present: Peter N. Chumbris, associate counsel; and Lee McLean, editorial director.

Senator Langer. Come to order, please.

Mr. Chumbris. How many witnesses have you, Mr. Attorney?

Mr. Caine. Three, sir. We have the sheriff of the county present.

Senator Langer. Will you call the three witnesses and have them come forward?

Mr. Caine. This is Mrs. Alphonso Nyborg, from Short Creek. She is the wife of Alphonso Nyborg, who is deputy sheriff of Mojave County.

Senator Langer. Well, have all of the witnesses who are going to testify in this executive session stand and be sworn.

You do solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you, God.

• (The group of prospective witnesses were duly sworn.)

TESTIMONY OF ALPHONSO NYBORG, DEPUTY SHERIFF, SHORT CREEK, ARIZ.

Senator Langer. We will hear from the deputy first. You may examine him.

Mr. Caine. Mr. Nyborg, your name is Alphonso; is that correct?

Mr. Nyborg. Yes, Alphonso Nyborg, N-y-b-o-r-g.

Senator Langer. What is your address?

Mr. Nyborg. Short Creek, Ariz.

Mr. Caine. And you have been commissioned as deputy sheriff on a full-time basis at Short Creek for how long?

Mr. Nyborg. Well, for the past 2 years. A year ago I worked for the State, and now since a month after the raid I went back to the county on a full-time basis.

Mr. Caine. Prior to that time you were serving as a part-time deputy, as well as working for the State?

Mr. NYBORG. Yes. I was still a deputy for the county, but then the State paid me.

Mr. CAINE. Mr. Nyborg, before you became a full-time deputy sheriff, were you investigating the conditions in regard to polygamy at Short Creek?

Mr. NYBORG. The Burns Detective Agency at that time, before I was a full-time deputy, used to come and talk to me.

Mr. CAINE. And you, too, made reports to the sheriff, your superior officer?

Mr. NYBORG. Yes.

Mr. CAINE. How long have you personally resided in the Short Creek area?

Mr. NYBORG. Since 1943.

Mr. CAINE. And prior to that time, did you reside in the northern part of Mohave County, Ariz.?

Mr. NYBORG. I spent 2 years before that in Kingman.

Mr. CAINE. May I ask, sir, what is your particular religious affiliation?

Mr. NYBORG. Well, I was Mormon-raised.

Mr. CAINE. You were raised as a Mormon?

Mr. NYBORG. Yes, sir.

Mr. CAINE. And you yourself have not been a member of the group in Short Creek that are practicing polygamy, and that are known as the United Effort group?

Mr. NYBORG. I have not.

Mr. CAINE. Now then, you have lived among them, though, since 1943, have you not?

Mr. NYBORG. Yes, sir.

Mr. CAINE. Now, in your own words, will you state to this subcommittee, and to Senator Langer and his counsel, the conditions that you have observed in Short Creek since 1943, pertaining to polygamy, and in particular to the juveniles involved.

Mr. NYBORG. Well, about the time that I left Kingman, I moved back to Short Creek in the summer of 1943, and that is just about the time that the first of them started moving in there. Prior to that time there was just a few of the old natives there that had been here all of their lives, the Johnsons and the Jessops.

At that time, just before we moved back, why, there was a bunch of them came in from Salt Lake, and all around, and that is when they started the big group in Short Creek.

From then on they started having control of the votes, and they got their own trustee board in.

Mr. CAINE. The school district, you mean?

Mr. NYBORG. Yes, and they hired their own teachers. In the budget, in about 5 years' time, the budget jumped from \$13,000 to \$33,000, and they got practically all of that budget that went to them, with their own teachers. They had 2 teachers there the last 2 years.

Mr. CAINE. Will you explain to Senator Langer what the teachers do with their salaries?

Mr. NYBORG. Well, I cannot positively say, but I would say they put it into the "kitty," with the rest of the United Effort funds.

Mr. CAINE. It is communistic in the old sense of the word?

Mr. NYBORG. Yes. I don't have any definite proof of that, I don't know, but I would guess that is where it went.

In their school, I never did feel that they ever had, or that it was a school like they should have had. You could look out any time, and two-thirds of them were running up the road, planting gardens, or anything like that. Since they have been released here, there are 61 of them back in school today.

Mr. CAINE. School was closed all of the school year of 1954-55—or I should say in the school year of 1953-54, and 1954-55, except for the last 2 or 3 weeks, when it has reopened?

Mr. NYBORG. No, the school run in 1953.

Mr. CAINE. The school year of 1953-54, it was closed?

Mr. NYBORG. No, it run.

Mr. CAINE. You realize we are in the school year 1954-55 now?

Mr. NYBORG. That was closed, that is the one that was closed.

Mr. CAINE. It was just this year that it has been closed?

Mr. NYBORG. Yes, sir; we hired two outside teachers. I was appointed on the board when the judge disqualified the other board, and I was one of them that was appointed as trustee, in which they have a suit against us now to put us out. We hired 2 outside teachers to teach there, and 1 of them told me the other day that she is teaching the smaller grades, and she said they couldn't figure out the first and second-graders were right where they were supposed to be, but the third and fourth grade was not, and some of them didn't know anything in the higher grades, and they couldn't figure it out.

My wife told her that she could easily explain that, because they went to school down here them 2 years, and they got their start down here. I don't feel like that on those, in taking those young girls, I never could go for that, as young as 13 and 14 years old.

Mr. CAINE. Mr. Nyborg, do you know personally of any instances where girls under 14 years of age became plural wives of men in the Short Creek colony?

Mr. NYBORG. Yes.

Mr. CAINE. Can you tell us in some detail concerning those?

Mr. NYBORG. Well, there was one girl——

Senator LANGER. What was her name?

Mr. NYBORG. This girl?

Senator LANGER. Yes, sir.

Mr. NYBORG. Do you remember the name—it was U.

Mr. CAINE. Go ahead.

Mr. NYBORG. What they said there, from what they said there, so far as I know, he took her just a few days before she was 11, or a few days after, and there was one of the girls that was around there that didn't belong to the United Effort, which lives in Flagstaff now, and she said she went over to stay with her one night, and had to sleep with one of the other girls because it was "her turn to stay with Uncle D."

Mr. CAINE. How old was this man who took the girl?

Mr. NYBORG. He must have been around 50.

Senator LANGER. What is Uncle D's full name?

Mr. NYBORG. Mr. D.

Senator LANGER. Is he still living out there?

Mr. NYBORG. Yes, sir.

Senator LANGER. Is he the man who was convicted?

Mr. FAULKNER. No, he was never prosecuted.

MR. CAINE. Is Mr. D the man who is looked upon and considered as the patriarch of the whole movement?

MR. NYBORG. That is right.

MR. CAINE. Now, as to the housing conditions, do you know of the homes in which these various families live?

MR. NYBORG. Yes, pretty well.

MR. CAINE. The one that I refer to here in the prepared statement, the man with the 5 wives and 30 children—for the moment the name slips my mind—but do you know of such an instance?

MR. NYBORG. Yes, Mr. JJ.

MR. CAINE. Did they all live under one roof?

MR. NYBORG. At the time of the raid, yes. He built a big three-story house there, and at that time they all lived under the one roof, and a while before that, I wouldn't say how long they were down there, close to a year, I imagine, before the raid, in this big house. It is a 3-story building, and I was up there when they milked the community cow herd 1 night, and they always took a 5-gallon bucket of milk, and the rest of them come around and got a quart bottle full.

I was kidding the kid who was milking the cows, and I said, "They get 5 gallons, and the rest only get a quart, maybe not that much."

He said, "Well, there is 40 people lives in that house down there."

MR. CAINE. Forty?

MR. NYBORG. Yes, sir.

MR. CAINE. And wasn't it the custom in Short Creek for the husband and his plural wives to live under the same roof, instead of having a separate residential establishment for each plural wife, like we understand polygamy was originally practiced?

MR. NYBORG. Most of them had them under a different roof.

MR. CAINE. Most of them—each family was under a separate roof?

MR. NYBORG. Most of them.

SENATOR LANGER. What about at the present time?

MR. NYBORG. Well, I couldn't say just how they are situated over there in Utah. Right now they are pretty thick over there, but right now I think that this JJ, as far as I can detect, was out getting his house, and he has his back there under the same roof again.

MR. CAINE. Your hesitancy to testify as to what the facts are now is due to the fact that they no longer confide in you, and you are not welcome in their homes, and you no longer have access to knowledge like you did previously, is that true?

MR. NYBORG. No, I am not welcome there any more.

MR. CAINE. Prior to the raid you had access to the information that you no longer can get; isn't that right?

MR. NYBORG. Yes.

MR. CAINE. I wanted the Senator to understand, when he says he didn't know what the conditions are now, he just cannot find out like he used to.

MR. NYBORG. When I show up around there, there is a lot of them disappear. The line is right close, and they get over across it.

MR. CAINE. What are some of the names of the older group, and the leaders of this movement, the family names, like A and JJ?

MR. NYBORG. Well A is an old name in it, and JJ and D.

MR. CAINE. Do you know of any instances where what we might designate as 2 of the older men, or 2 of the patriarchs, may have

made a deal to trade their young daughters that were then juveniles to become the plural wife of the other?

MR. NYBORG. Yes. Mr. R came to my house, and he stayed until 2 o'clock the next morning, and he was trying to get me on their side. He brung some of these things up, about the stuff the newspapers printed was lies. That was one of them that he brung up, and I told him that if Mr. A and Mr. D didn't trade daughters, I never traded horses, and the girls were 13 years old.

At that time D and A lived at Cedar City on a ranch just out of Cedar City.

MR. CAINE. What seemed to be the age bracket or age range of the men with the plural wives?

MR. NYBORG. Well, it was the older ones that had the most women. Along there when the boys went to the Army, they always let them have one.

MR. CAINE. Is there any particular reason that you know of why they let them have one?

MR. NYBORG. Well, to get that check that the wife would draw, I imagine.

MR. CAINE. The Government allotment to soldiers?

MR. NYBORG. Yes, sir; the Government allotment. But all those boys that went to the Army, but one, all got married when they come home on their first furlough.

MR. CAINE. And did it seem to make some difference as to the family, that is, did the better recognized and the older families seem to have first call on the young girls for wives over maybe a more recent convert or recruit?

MR. NYBORG. It appeared that way, yes. They was the ones that got them, anyway.

MR. CAINE. Do you think that the situation is going to develop and become as acute as it was prior to the raid?

MR. NYBORG. Yes, if there is no restriction held on them, and they are entirely loose, they will be like they was, only worse.

MR. CAINE. In the past 60 days, in addition to the children that were released under the writ of habeas corpus actions, have there been other people apparently of the same calling who are moving into the Short Creek area?

MR. NYBORG. Yes, there are some people by the name of ———. I never had learned their first name. They moved in from Colorado. They originally was in Salt Lake, and this is the story I picked up in Salt Lake, that these boys was put out of the church in Salt Lake for preaching or practicing, whichever it was, they were put out from the church, and they moved to Colorado, and about the time they moved to Colorado is when the raid was going on in Short Creek, and they said they had \$600 tithing saved up since they were cut off from the church, so they sent it to Short Creek and paid the tithing there, they wouldn't pay it into the church any more after they were cut off.

MR. CAINE. Have there been any families that moved into Short Creek from Colorado, Idaho, or Canada, like has been reported to me?

MR. NYBORG. Well, this is a Colorado outfit, yes.

MR. CAINE. Have any of them moved in from Idaho?

MR. NYBORG. Not that I know of.

MR. CAINE. Have there been a number of uranium prospectors—or at least people who as passing themselves off as uranium prospectors, but whom we believe are polygamists from other colonies in that area now?

MR. NYBORG. Yes, there are some Canadian cars in there. I have seen them stop there at night, over at ———, two or three times. Whether they have got any family with them or not, I don't know about them, but the Colorado outfit moved in. How many children they have, I don't know.

SENATOR LANGER. How many were in the Colorado outfit?

MR. NYBORG. Well, there are two properties, I know, but how many there are, I don't know. They hauled in a bunch of dairy cows. They just got there. When they moved in they come in with four truckloads of stuff, besides the dairy cattle, household furniture, and stuff.

MR. CAINE. Have all of the children returned to Short Creek that were down in this area of the State on ADC?

MR. NYBORG. No.

MR. CAINE. Are there still some families down in this area?

MR. NYBORG. Well, I think so, yes. There is one. She was right here.

MR. CAINE. Today?

MR. NYBORG. Yes, that was her, she was sitting right there.

MR. CAINE. Sitting by your wife this afternoon?

MRS. NYBORG. Yes, and she took everything down.

MR. CAINE. Did you converse with this young lady back here?

MR. NYBORG. She did.

MRS. NYBORG. I did.

MR. CAINE. Are there some families who have not returned to Short Creek because they wanted to finish the school year where they are presently located? That is what one of them told me, that they were going to leave a few families down here until after school.

What was the name of the young lady who was sitting here taking all those notes?

MR. NYBORG. D1, she is the plural wife of Mr. D.

MR. CAINE. She was one of Mr. D's plural wives?

MR. NYBORG. That is right.

MR. CAINE. She sat right here this afternoon?

MR. NYBORG. That is right.

MR. CAINE. Mr. D the old gentleman whom we call the patriarch?

MR. NYBORG. Yes.

MR. CAINE. She is about how old?

MR. NYBORG. About 22, I imagine.

MRS. NYBORG. She is about 26 or 27, around there.

MR. CAINE. How long has she been a plural wife, do you know?

MRS. NYBORG. When she was 15 she married Mr. A.

MR. NYBORG. And after his death she took Mr. D.

MR. CAINE. Senator, I would like to discontinue examining Mr. Nyborg, and permit Judge Faulkner, if you would permit, to ask him some questions, in order to develop some things that I may not have brought out.

SENATOR LANGER. Sure, go right ahead.

MR. FAULKNER. I don't have anything particularly to ask.

MR. CAINE. I think, then, Senator, if we could go to Mrs. Nyborg, and Mrs. Nyborg's testimony, I think it will be quite revealing.

Senator LANGER. Very well.

TESTIMONY OF MRS. ALPHONSO NYBORG, SHORT CREEK, ARIZ.

MR. CAINE. Mrs. Nyborg, may I ask you to go into some of the conversations as deep as you did, that you had with my wife, for instance, up at Pipe Springs, when you told her a lot about that.

Mrs. NYBORG. I said so much.

MR. CAINE. Would it be embarrassing for you to state that you have members of your family who are in this polygamist movement?

Mrs. NYBORG. Yes, I have.

MR. CAINE. All right. Would you tell the Senator and his counsel, not necessarily by name, but—

Senator LANGER. Give us the names. This is all in executive session, and tell us where they are located now.

Mrs. NYBORG. I have two brothers and a sister.

MR. CAINE. And their names, please?

Mrs. NYBORG. The oldest is Mr. NN.

Senator LANGER. What is his address?

Mrs. NYBORG. Short Creek, Ariz.

MR. CAINE. All right. Who is the other?

Mrs. NYBORG. And the next is Mr. J, Short Creek, Ariz.

MR. CAINE. And your sister?

Mrs. NYBORG. Mrs. D2; she lives in Utah. She is the wife of Mr. D.

MR. CAINE. She is a wife of Mr. D?

Mrs. NYBORG. Yes.

MR. CAINE. This same Mr. D who has this young lady as a plural wife who was present here today?

Mrs. NYBORG. Yes.

MR. CAINE. What is your first name?

Mrs. NYBORG. Edna.

MR. CAINE. You are Mrs. Edna Nyborg, the wife of Alphonso Nyborg, the deputy sheriff?

Mrs. NYBORG. Yes, sir.

MR. CAINE. How long have you lived in Short Creek?

Mrs. NYBORG. We moved there when I was about 11 years old.

MR. CAINE. That would be approximately how many years ago?

Mrs. NYBORG. It must be about 30 or more.

MR. CAINE. About 30 years ago, and you have resided in the Short Creek area for 30 years, or about 30 years?

Mrs. NYBORG. About that.

MR. CAINE. What is your religious affiliation?

Mrs. NYBORG. I was a Mormon.

MR. CAINE. You are a member of the Church of Jesus Christ, Latter-day Saints?

Mrs. NYBORG. That is right.

MR. CAINE. You are not a member of this United Effort movement?

Mrs. NYBORG. No, sir.

MR. CAINE. The brothers that you have named, and your sister that has been named, were they members in good standing of the Church of Jesus Christ of the Latter-day Saints before they joined this United Effort group?

Mrs. NYBORG. Yes.

Mr. CAINE. Will you tell Senator Langer of the subcommittee, and his counsel, how these two brothers and sister of yours were converted over to that faith?

Mrs. NYBORG. Well, I wasn't right at home at the time, but it seems as though these guys at the head of it kind of got them, the second brother, his wife's mother, and then this —— is a brother to her, and they kind of talked him over. That is the way I always think about it, anyway.

Then I don't know, some other people got hold of my older brother, my mother said she didn't know it until he was talked over.

Mr. CAINE. And how about your sister?

Mrs. NYBORG. My sister, I don't have any excuse for her. She was 37 or 36, and I can remember when she hated it as bad as anybody.

Mr. CHUMBRIS. That was Mrs. D2?

Mrs. NYBORG. Mrs. D2. She is just as fanatic as she can be now.

Mr. CAINE. Your sister was 36 or 37 years old when she joined them?

Mrs. NYBORG. I think she was 37. She had never been married before.

Mr. CAINE. She was a single woman when she was converted over to their faith?

Mrs. NYBORG. Yes.

Mr. CAINE. She became the plural wife of whom?

Mrs. NYBORG. Mr. D.

Mr. CAINE. Then he was a man of about what age at that time?

Mrs. NYBORG. Let me see. That has been about, I imagine better than 10 years ago.

Mr. CAINE. How many plural wives does this man Mr. D have who married your sister?

Mrs. NYBORG. That is something I couldn't say, but I know he has six.

Mr. CAINE. You know of six?

Mrs. NYBORG. Yes.

Senator LANGER. Do you know their names?

Mrs. NYBORG. Yes.

Senator LANGER. Will you give them to us, please?

Mrs. NYBORG. Mrs. D was his legal wife.

Mrs. X, Mrs. D3, Mrs. D2, Mrs. D4, and Mrs. D5.

Does that make six?

Mr. CAINE. Yes. Do you know the ages of the plural wives, in addition to your sister's age, at the time that they entered into this relationship?

Mrs. NYBORG. Well, this D4 was 13. D3 is, like my husband said, I heard that she was living in their household when she was 11.

Mr. CAINE. Was she a plural wife at that age?

Mrs. NYBORG. Well, my husband told a story of what the little girl said. Anyway she lived there all the time.

Mr. HAYES. What is the name of that little girl?

Mrs. NYBORG. She moved down to Flagstaff. She did say that this little girl told her, but there is another girl told my daughter that she had to sleep with the other girls, because it was her turn to sleep with Uncle D.

Mr. CAINE. That takes care of the two you just mentioned, and your sister was 36 or 37, and then there are three others.

Mrs. NYBORG. X was a widow woman. I don't remember just exactly how old she was. But then she has never had any children by Mr. D.

Mr. CAINE. Isn't there some custom or belief, or at least a practice, that if a woman becomes a widow, that the other members of the movement have to take her over and provide for her?

Mrs. NYBORG. I think they know, in fact I am sure they do, if they know they are going to die, it is all fixed, and they know who they are going to go when their husband dies, and another guy takes them, because I know in the case of E, her husband was killed, and he had two men, and his brother took them inside of 2 weeks.

Mr. CAINE. Took the plural wives and the legal wife?

Mrs. NYBORG. Yes.

Mr. CAINE. The legal wife of the brother who was killed or died became the plural wife of another brother?

Mrs. NYBORG. Yes, sir.

Mr. CAINE. This is about the situation on that kidnaping case we are now involved in up in Idaho, is it not?

Mrs. NYBORG. There is quite a lot of widow women. It is surprising how many widow women came there and married into that.

There is another thing I wanted to bring out, when you were talking about the housing situation, this Mr. E, his children, some of his plural wives' children, are going to school, and I saw two ladies come out. That doesn't prove nothing, but I saw them come out of the house just on weekends I saw that, and I saw a bunch of children out in the back playing.

Of course, his legal wife is there.

Mr. CAINE. Did this young lady who was sitting here with you this afternoon, whom you have identified as being one of Mr. D's plural wives—have you ever had conversation with her in which she has admitted she was a plural wife?

Mrs. NYBORG. This is the first time I really talked to her about polygamy. She didn't actually admit today that she was, but she said she would not change places, she admitted she went with OO at 15, and I said, "You don't know what you are doing."

She said, "Yes, I do, I am happy."

But I don't believe it.

M. CAINE. The very woman who sat right alongside of you today became a plural wife of OO?

Mrs. NYBORG. Yes, when she was 15.

Mr. CAINE. And then he died?

Mrs. NYBORG. Then he died.

Mr. CAINE. And then she became the plural wife of Mr. D?

Mrs. NYBORG. Yes, sir.

Mr. CAINE. And here she sat today taking notes on this proceeding?

Mrs. NYBORG. That is right.

And this here polygamy has been going on in Short Creek. I will bet, for 25 years. When I was 17 I went to Salt Lake with D., and he said, "What do you think about polygamy?" I said one thing. "I don't know anything about polygamy, but I know one thing, when I get married, I want to have a man of my own."

Then we picked up another one who lived in Utah, and then, of course, I was right in the car, and one of them said, the other one said that what they thought they ought to do would be to get little girls of 14 and 15, and get it into their heads before they knew any better.

MR. CAINE. Get them while they were young, before they knew any better?

MRS. NYBORG. And I just believe every girl knows who they are going to marry when they are 10 years old. One of them told my son, and she took the guy she said she was going to take when she was 14. She was not a legal wife.

MR. CAINE. What is the legal age for the issuance of a marriage license in Utah?

MRS. NYBORG. Fourteen in Utah.

MR. CAINE. That is what I understood.

SENATOR LANGER. Fourteen?

MRS. NYBORG. That is right. It is awfully young, isn't it?

MR. CAINE. Most of these women we are talking about were plural wives and never went through a legal ceremony, anyway, isn't that right?

MRS. NYBORG. That is right.

MR. CAINE. A female at the age of 14 may marry without the consent of her parents?

MRS. NYBORG. No, they have to have their parents' consent. One of my brothers lived in Salt Lake City, and his girl got married at 14. That is another thing I would like to bring out, this girl was down there, and they went right over my brother's head, she was a legal wife, but he will no doubt take other wives, unless something is done about it, and he won't do anything.

Well, his wife, you might say, is a polygamist. Her father is Mr. D. But that is what they were doing, going right over the parents' heads and taking the young girls.

The children, they don't have a mind of their own. They just live their lives for them. The same way with the young boys. They go out and work and do what they tell them to do, and they hand the money over, and they give them back what they want. If they have any trouble, they kind of watch them, and let them drive nice cars around. They know how to handle them. It seems that once they get them it is awfully hard to get loose. I don't know what they hold over them.

I asked one, I said, "They must hold something over you so that you do like that," and she said, "They do; but I can't explain it."

That is all she would tell me.

MR. CAINE. How is a plural marriage ceremony performed?

MRS. NYBORG. That is something that they keep very quiet.

MR. CAINE. You have never seen it?

MRS. NYBORG. I have never seen one.

MR. CAINE. Do you know where it takes place?

MRS. NYBORG. Well, there have been several at Short Creek, but I don't know whether it is at certain houses, or anything about that. They claim when they are married, they are married for this world and the next.

SENATOR LANGER. What was that?

MRS. NYBORG. When they are married, in the ceremony they perform, they are married for this world and the next—the hereafter.

Mr. CAINE. In other words, they are married for time and eternity?

Mrs. NYBORG. Yes.

Mr. CAINE. Is it not true that outside of the group itself, no one, at least no one that we know of, has seen a plural marriage ceremony, or knows where a plural marriage ceremony takes place?

Mrs. NYBORG. No, I never heard anything about it.

Mr. CAINE. In other words, we cannot find out where a plural marriage ceremony takes place, or what the ceremony is?

Mrs. NYBORG. That is right.

Senator LANGER. Have you subpoenaed any one of these girls? Won't they tell you?

Mr. FAULKNER. I did not understand the question.

Mr. CAINE. The question is: Where does a plural marriage ceremony take place, and what does it consist of?

Mr. FAULKNER. I have never been able to learn that. I have made various inquiries. They go through some secret ceremony somewhere. I had some information, two of the girls taken from Short Creek were taken to Salt Lake City, and the ceremony took place there, but I have never been able to find anyone who knew what the ceremony consisted of.

Senator LANGER. Did you ever ask the girls? Wouldn't they tell you if you asked them?

Mr. FAULKNER. I doubt if they would.

Senator LANGER. Well, if you subpoenaed one and put her under oath, wouldn't she tell?

Mr. FAULKNER. I have never had occasion to go into that. The only thing I inquired about was as to their surroundings at the time they were taken in the raid. That was the extent of my inquiry.

I would like to ask Mrs. Nyborg a question.

Mrs. Nyborg, I believe that before these prosecutions were commenced, Attorney General Fred O. Wilson took your deposition, and you voluntarily gave your deposition to assist him in instituting these prosecutions?

Mrs. NYBORG. Yes.

Mr. FAULKNER. And you stated at that time, I believe, that your purpose was to protect your young nieces from this fate?

Mrs. NYBORG. Yes, and my own children. I have been lucky. I have four girls, and I have sent them to the town school.

In fact, I sent my boy there 2 years, and I took him to Hurricane, and the teacher there, he should have been ready for the first grade, and the teacher said he had a little bit of his first-grade work.

Senator LANGER. Are the teachers polygamists, too?

Mrs. NYBORG. Everything was run by polygamists.

Senator LANGER. Is this suspicion on your part, or can you prove it?

Mrs. NYBORG. Prove what?

Senator LANGER. That the teachers are polygamists.

Mrs. NYBORG. They have all admitted that they had more than one.

Mr. CAINE. They were charged with the crime and admitted their guilt in criminal proceedings, the teachers, isn't that correct?

Mr. FAULKNER. They pled guilty to the charge of conspiracy.

Mr. CAINE. As to cohabitation?

Mr. FAULKNER. As to unlawful cohabitation.

Mr. CAINE. The teachers pled guilty to that charge?

Mr. FAULKNER. That is right.

Mrs. NYBORG. Another thing I would like to bring out, when they had this hearing, they had a hearing down here to take the teachers' certificates away from them, and this —— gave a speech, and he said that they didn't take the girls until they were seventeen. Well, the State had proof that 2 girls had babies, one 16, and the other 15½, and at that time they were running around with little 14-year-old girls.

Mr. CAINE. Mr. KK and Mr. H were the two teachers at the school?

Mrs. NYBORG. Yes.

Senator LANGER. As to this girl you sat alongside of today, if she were subpoenaed, would she tell the truth, or wouldn't she?

Mrs. NYBORG. I don't know. She wouldn't to me. She did own up that she was married at 15. She said, "That is what you say, isn't it?"

And I said, "Yes, and you know it."

But I told her some other things, and she would not own up to it at all. I told her, "You cannot kid me like that, because I know."

She said that she didn't know nothing about it, if the things were true.

Mr. CAINE. As to the school, is it not true that the school was closed, and they would go to Idaho, potato picking for a period of time?

Mrs. NYBORG. Yes.

Mr. CAINE. For how long?

Mrs. NYBORG. One time it was for about 5 weeks; some time it was from 3 weeks to a month.

Mr. CAINE. They would just close the whole school and take the kids up there?

Mrs. NYBORG. Some of the younger ones went to school, but all of the others left.

Mr. CAINE. Are you aware of what they did with the money, or what it is commonly reported they did with the money that the children earned picking potatoes?

Mrs. NYBORG. I heard them say they bought hay for the cows.

Mr. CAINE. In other words, the children did not get to keep this money?

Mrs. Nyborg, would the school close frequently—well, not frequently, but from time to time, for other purposes in connection with the United Effort practices?

Mrs. NYBORG. Well, I don't know, I couldn't say as to that so much, but I know at one time they put on a play, it was supposed to be a school play, and everybody in the community was in it. I know some of the men and legal and plural wives were in it, and they practiced on school time. I live out by the schoolhouse.

Mr. CAINE. You live adjacent to the schoolhouse, do you not?

Mrs. NYBORG. Yes, sir; and the teachers would take off and go to Salt Lake, and maybe be gone for several days or maybe in some other direction.

And another thing, they would let some of them go in—they claimed they did not teach polygamy, but that is kind of hard to believe from what I have seen and heard. I could not swear to it.

Mr. CAINE. Of the 3 teachers in the school, 1, Mrs. T is not a member of the movement, is that right?

Mrs. NYBORG. I don't know; I guess not.

Mr. CAINE. And I believe that they tried hard to keep a daughter of theirs from becoming involved, and she did become involved finally, is that right?

Mrs. NYBORG. I imagine, I would say she did, very much.

Mr. CAINE. What is the story in regard to that daughter? He is an author and writes articles for the Arizona Highway Magazine.

Mrs. NYBORG. Well, she is just a young kid, but she was with him all the time, and one of the women told me that she was going to have a baby.

Mr. CAINE. I got the story that she had finally gone over and become a member of the United Effort group; is that right? Or have I been misinformed?

Mrs. NYBORG. I would sure say it was right.

Mr. CAINE. I have also been informed, and will you verify this or not, whatever you understand the truth to be, that the situation became so bad that Mr. T and his wife, the third schoolteacher, finally left Short Creek and went to California to get away from the environment?

Mrs. NYBORG. I would say that she might have been down there some of the time. I saw the boy after they were down there for a while, and he may have gone down there and went to school.

Their second girl I have seen with Mr. H, I don't know, time and time again. They would take out from school together, and come to school after her mother had been to school.

Mr. CAINE. Mr. H was a schoolteacher?

Mrs. NYBORG. Yes.

Mr. CAINE. And the daughter of Mr. T was what age?

Mrs. NYBORG. Fourteen; she is around about 15 now, and I heard just the other day that Mr. T was down there, and he brought a couple of his children. I don't know which ones, they didn't like California, and they come back to Short Creek.

Senator LANGER. How large is Short Creek, how big a town is it?

Mr. NYBORG. On the Utah side about 360, that is kids and everything.

Senator LANGER. Three hundred—how many?

Mr. NYBORG. That is children and all, on both sides of the line.

Mrs. NYBORG. Some of the women have a baby a year. They have got a girl down here, and she had her fourth one after they brought her down, and she is going to have another one very soon.

Senator LANGER. Is she married?

Mrs. NYBORG. Yes, she is a legal wife, she is married; she has one every year. They have really got lots of children.

Mr. NYBORG. In the last couple of years that they hold school out there, there were over 20 beginners each year.

Mr. CAINE. That increase in the school population has been just of recent years, has it not?

Mr. NYBORG. Yes.

**TESTIMONY OF FRANK L. PORTER, SHERIFF, MOJAVE COUNTY,
KINGMAN, ARIZ.**

Mr. CAINE. Sheriff, in the prepared statement that I gave here, I mention that the 26 men in jail at Kingman after the raid were planning to take their children down across the line into old Mexico, if they got out on bail, thus defeating the juvenile hearings.

Where did we get that information?

Mr. PORTER. I might add that during the time they were in jail we had a microphone in the jail to listen to them talk, and they went ahead and discussed that. They have quite a large colony in Mexico, which is their ace in the hole, and if anything gets bad enough here, they had a spot to go to.

Mr. CAINE. It was over this monitor microphone where the 26 men were that you personally overheard this conversation?

Mr. PORTER. That is correct.

Mr. FAULKNER. I would like to add one thing. The records of Mojave County will show that the lands of that section are deeded to this United Effort. It is not a corporation, but apparently it is an association, and the lands are in the name of the corporation, as I understand it.

Also, that they have an irrigated tract up near St. George, Utah. So it is a communistic setup, and it was in the juvenile hearings where it was developed that some of the men received only 4 or 5 dollars a week for their sustenance for themselves and their families. The older members of the organization fared much better.

Senator LANGER. How many people could we subpoena that would tell the truth, Sheriff?

Mr. PORTER. Not all, by any means, but when you are dealing with a group of any people, especially any numbers at all, it is safe to say that you will get somebody that will talk. That has been my experience for a good many years, as well as my observation with others, or the observation of others.

I think that by subpoenaing the right number of people, you would get some of them who would talk. They will talk to save their own skins, Senator. A lot of people will do that. They think it is going to benefit them.

Senator LANGER. If they gave this subcommittee a list of 100 men and women, how many do you think would tell the truth?

Mr. PORTER. I would venture a guess that you would get between at least 12 to 15 out of 100, speaking about—excuse me for interrupting—about the community funds, I happened to be present when a mother and a father read in California of the arrest of their son-in-law who was a polygamist. They didn't know anything about it.

This young individual had come over there and married their daughter, and removed her to Short Creek.

The mother and father of the young girl did not have an occasion to visit them, so when they read in the papers of his arrest, they came down to see if they could render assistance and, naturally, they were shocked to find out what the setup was, and they tried to talk to the daughter, in order to get her to give up this idea and to return home with the mother and father.

She said that she would never think of giving up her religion.

The father then told her, "Well, I at least want to leave you a hundred dollars, so that you can buy some of the things you need. Look at you. Look at how you are dressed."

And she said, "No, Dad, I am sorry; but if I took that money I would have to put it into the fund, I could not get any benefit out of it at all."

Then he said, "Well, at least I am going to give you \$20, so that sometimes when you are in town you can buy a few little things like women like to buy in the 10-cent store, and what-not."

And she said, "No, Dad, I can't even accept that."

So with tears in her eyes, I watched that mother and father get in their car and return home. That is to me illustrative of what they do with their money, and how thoroughly they are indoctrinated in this fanaticism that they call a religion.

Senator LANGER. Was this patriarch arrested, Judge; did he go to jail?

Mr. FAULKNER. Yes; he entered a plea of guilty because of the fact that I had urged the Governor to take this matter up; it put me in the light of a prosecutor, but, as a matter of fact, I was not, I was merely acting under directions to find out the situation of the children, but I called in another judge to hear the case, Judge Robert S. Pullar, of Tucson, heard the cases, and they entered a plea of guilty, and Mr. D was among the group that entered pleas of guilty for conspiracy to violate the laws of the State.

Mr. CAINE. Hadn't he been convicted earlier?

Mr. FAULKNER. Yes; I think he served time as a Federal prisoner in prison in Utah, a conviction under the White Slave Act.

Mr. NYBORG. He was arrested, but never served time.

Mr. CAINE. I thought he was in prison and served time.

Mr. NYBORG. His brother served time.

Mr. FAULKNER. He served a term in the State penitentiary.

Mr. NYBORG. Mr. P.P. is the one.

Mr. FAULKNER. The one that I sent to prison in the State penitentiary.

Mr. NYBORG. D was arrested, but he was turned loose. He never done any time. He might have been in overnight, or something like that, maybe a week, but he didn't get no sentence out of it.

Mr. CAINE. Mrs. Nyborg was about to volunteer something.

Mrs. NYBORG. I was going to say that really I don't like to see children taken away from the parents. I have children myself.

But these children will never change. They never will have a chance unless they are taken away, because their parents won't let them be any different.

I know of one little girl 12 years old, and she is crazy to be back, and her mother told me that she was afraid for her.

Mr. CAINE. What did she mean?

Mrs. NYBORG. She was afraid somebody would take her.

Mr. CAINE. That some man would take her as a plural wife at that age?

Mrs. NYBORG. Maybe not that young.

Mr. CAINE. And a plural-wife mother was worried about her own daughter being taken too young?

Mrs. NYBORG. Yes.

Mr. CAINE. Senator, may I ask the sheriff to describe for you the housing conditions, and what he found in a home, and how these children were clothed, and the odor and smell in the house?

Senator LANGER. Go right ahead.

Mr. PORTER. First of all, I might state regarding Short Creek, that it is a very small community and, of course, it is very isolated. They have their own electric plant which, incidentally, they purchased from the school funds and it was to be used supposedly for the school, but then it is used for the town. It is a community affair, because what is good for the school is good for their religion, and they are one and the same.

These homes are referred to up there as coops, chicken coops, many of them. They are little lean-tos, and they really are chicken coops. Some of them are old car bodies that everybody abandoned, or somebody abandoned or wrecked, and 5 or 6 children sleep in those old car bodies out alongside the house or in these coops on the floor.

You walk into the house proper where there are several of these children, and some of them, one of them in particular had, I think 34 or 35 children in this one room, and it was summertime, and flies were present, and I think those of us who have children know that small children have a habit many times, some of them, of urinating in the bed, and the bedclothing is not washed, and there is that strong odor of urine and sour milk, and then the human smell, altogether mixed up; it is not, of course, good in the way of sanitary conditions.

This was all in the summertime, in the presence of flies, lack of refrigeration, which they don't have. It is a sorry situation, very sorry.

Senator LANGER. Is it just in town, or all around the country?

Mr. PORTER. In this one settlement, which we refer to as a town: it is a little settlement in itself. There are outlying ranches and what-not—there are none of them living in outlying districts in that immediate vicinity. They have all collected in this one little town. It is a little community.

Senator LANGER. And that is Short Creek?

Mr. PORTER. Short Creek, and that embraces both sides of the State line. The State line practically runs through the town proper.

Mr. CAINE. If you go to the extreme northwest corner of Arizona, Mojave County, and come in where you see Utah and Arizona, and then just a little bit to the right you see a road comes down and makes a right-hand turn, and makes another right-hand turn, right on the Arizona-Utah border, that is Short Creek.

In fact, there is a little circle just below the Arizona-Utah line, but actually the community straddles the line. Most of it is on the Arizona side.

The reason we cannot go there, other than going to Las Vegas, and then to St. George, as you will see, is that the lower portion of the Grand Canyon comes out there, I think it is called Pierce's Ferry, and then you have Lake Mead there, and there are no roads or bridges, so we have to go over into Nevada, and then up into Utah, and back down into Arizona, in order to get there, or else go way around by way of Flagstaff, and then up to Cameron—well, we call it the Navaho Bridge, and then either take the dirt road back to Pipe Springs, or go on up by Bryson's and over to St. George, and back that way.

It is very picturesque country, and if you have not made the trip, it is well worth taking.

Senator LANGER. You say there are 360 people in that area?

Mr. PORTER. Yes; approximately.

Senator LANGER. How many names do you have?

Mr. PORTER. We have records of the 167 children, and the men and the women that were placed under arrest, and subsequently handled at the time they were arrested in July of 1953.

Mr. NYBORG. I think I have the names of practically all of them, except maybe some of the younger ones, 2 or 3 years old.

Senator LANGER. Of everybody in town?

Mr. NYBORG. Yes, sir; other than the new ones who have moved in just lately. I made up a list for the State, I had all the names on it, on both sides of the line. Now, there will be a few who moved in, and a few young ones who are not in there.

Senator LANGER. And you are the deputy sheriff?

Mr. NYBORG. Yes.

Senator LANGER. How far do you live from the place?

Mr. NYBORG. I live right at the place. The sheriff lives at Kingman.

Mr. PORTER. Traveling one way by highway, Senator, it is a little over 300 miles. That is where you have to go over into Nevada, by crossing Boulder Dam, and then go up through Las Vegas, then to St. George, Utah, and back into Arizona, back into Mojave County. That way it is a little over 300 miles.

By going up to Short Creek, and keeping within the State of Arizona, then we must travel eastward to Flagstaff, Ariz., and north almost to the Utah State line, and then again west, a distance of around 400 miles.

Mr. NYBORG. When I got a fellow down the other day in my car, it was about 439 miles.

Senator LANGER. Do you agree with the sheriff that if 100 were subpoenaed, that 10, 12, or 15 would tell the truth?

Mr. NYBORG. I have got my doubts about that.

Senator LANGER. You have your doubts?

Mr. NYBORG. Very, very much so.

Mrs. NYBORG. You cannot never tell.

Mr. NYBORG. The ones that I say might tell the truth will be some of the young girls.

Senator LANGER. They would not tell?

Mr. NYBORG. They might tell the truth. There is one that I might say that would tell the truth, and I don't know just how much she told you would be the truth.

Mr. CAINE. That is it, there are a lot of things that they won't answer.

Mr. FAULKNER. I had an experience on that when I was up there electioneering one time. The men were all out of town, and I met a bunch of youngsters, some 8, 10, or 12 years old, and I talked to them awhile, and I had a bag of candy and passed it around amongst the youngsters, and I asked them who their fathers were, and they would look at each other, and then look at me, and they didn't answer a thing.

Mr. NYBORG. I will make you a little bet, I will bet you a new hat that you got that wrong. Just drive in there and start asking those kids what their names are, and what their dads' names are, and you can't find out a thing.

Senator LANGER. Well, that will be all, thank you very much. The subcommittee is recessed subject to call.

(Whereupon, at 6:45 p. m., the subcommittee recessed subject to call.)

JUVENILE DELINQUENCY

(Plural Marriages)

MONDAY, MAY 2, 1955

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY
TO INVESTIGATE JUVENILE DELINQUENCY
Short Creek, Ariz.

The subcommittee met, pursuant to adjournment, at 9 a. m., in the public schoolhouse, Short Creek, Ariz., Senator William Langer (presiding).

Present: Senator Langer (presiding).

Also present: Peter M. Chumbris, associate counsel, and Lee McLean, editorial director.

Also present: Bernard T. Caine, Mohave County attorney.

Senator LANGER. Let us come to order, please.

Call your first witness.

Mr. CHUMBRIS. This is a continuation of the United States Senate subcommittee hearing which was held in Phoenix, Ariz., on the 29th and 30th of April, dealing with matters of polygamy in the Short Creek, Ariz., area, and areas nearby, going into the State of Utah and other places.

After hearing witnesses in Phoenix, Ariz., and other witnesses in executive session, the subcommittee decided to go into Short Creek, Ariz., and other areas, to learn more of the facts of this particular problem which seems to have a great impact on youth and juvenile delinquency.

Senator LANGER. Call your first witness.

Mr. CAINE. Do you want to start with the ladies, in preference? There is one man out here that we might get rid of first.

Senator LANGER. Let us have the ladies first.

Mr. CAINE. All right, bring the young lady in.

Senator LANGER. Will you stand and raise your right hand and be sworn, please.

Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. A. I do.

TESTIMONY OF MRS. A.,* 18-YEAR-OLD HOUSEWIFE, SHORT CREEK, ARIZ.

Mr. CHUMBRIS. Please state your full name.

Mrs. A. Mrs. A.

*Names of individuals connected with plural marriage in these hearings are identified by alphabetical letters. The true names are on file with the subcommittee.

Mr. CHUMBRIS. Where do you live?

Mrs. A. Short Creek, Ariz.

Mr. CHUMBRIS. How old are you?

Mrs. A. Eighteen.

Mr. CHUMBRIS. Will you give the name of your mother and father, please?

Mrs. A. ————

Mr. CHUMBRIS. And your father's name?

Mr. A. ————

Mr. CHUMBRIS. How old is your mother?

Mr. A. She is 38.

Mr. CHUMBRIS. How old is your father?

Mrs. A. Thirty-eight.

Mr. CHUMBRIS. And where were you born?

Mr. A. Logan, Utah.

Mr. CHUMBRIS. How long did you live in Logan?

Mr. A. Just about a year.

Mr. CHUMBRIS. About a year?

Mr. A. Yes.

Mr. CHUMBRIS. When did you move to Short Creek?

Mr. A. About 6 or 7 years ago, I believe.

Mr. CHUMBRIS. Six or seven years ago?

Mrs. A. Yes.

Mr. CHUMBRIS. Where did you go to school?

Mrs. A. Do you want all the places?

Mr. CHUMBRIS. Yes. I mean, did you go to school in Logan?

Mrs. A. No.

Mr. CHUMBRIS. Did you go to school here in Short Creek?

Mrs. A. Yes.

Mr. CHUMBRIS. How long did you go to school in Short Creek?

Mrs. A. About 3 years.

Mr. CHUMBRIS. Do you have any brothers and sisters?

Mrs. A. Yes.

Mr. CHUMBRIS. How many brothers do you have?

Mrs. A. Four brothers.

Mr. CHUMBRIS. Four brothers?

Mrs. A. Yes.

Mr. CHUMBRIS. How many sisters?

Mrs. A. Let's see. I have to count them. I have five sisters.

Mr. CHUMBRIS. Do you live with your mother and father now?

Mrs. A. No.

Mr. CHUMBRIS. Whom do you live with?

Mrs. A. My husband.

Mr. CHUMBRIS. What is his name?

Mrs. A. Mr. A.

Mr. CHUMBRIS. How old is Mr. A?

Mrs. A. He is 20.

Mr. CHUMBRIS. Where do you live now, what address?

Mrs. A. Address? Short Creek, Ariz.

Mr. CHUMBRIS. Do you have a post-office box?

Mrs. A. It is No. 9.

Mr. CHUMBRIS. Post-office box 9?

Mrs. A. Yes.

Mr. CHUMBRIS. When were you married?

Mrs. A. May 9.

Mr. CHUMBRIS. What year?

Mrs. A. 1952.

Mr. CHUMBRIS. Where were you married?

Mrs. A. St. George, Utah.

Mr. CHUMBRIS. Did you receive a license from the State of Utah to get married?

Mrs. A. Yes.

Mr. CHUMBRIS. Do you have that license with you now?

Mrs. A. I have it at home.

Mr. CHUMBRIS. Who performed the marriage ceremony?

Mrs. A. Melvin B. Ashby, justice of the peace.

Mr. CHUMBRIS. How old were you when you were married?

Mrs. A. Fifteen.

Mr. CHUMBRIS. Do you have any children?

Mrs. A. Two.

Mr. CHUMBRIS. Would you give their names and ages, please?

Mrs. A. ———, he is almost 2; and ———, 7 months.

Mr. CHUMBRIS. Now, what is your religious faith or belief?

Mrs. A. Mormon.

Mr. CHUMBRIS. Are you a faithful follower of the Mormon Church in all of its beliefs?

Mrs. A. I think so.

Mr. CHUMBRIS. Which church do you go to here in Short Creek?

Mrs. A. The only church that is here.

Mr. CHUMBRIS. What is the name of it?

Mrs. A. It is the Mormon Church.

Mr. CHUMBRIS. Do you have a name for the church itself, or do you just call it the Mormon Church? Is it known as the Mormon Church of Short Creek?

Mrs. A. It is just the LDS Church.

Mr. CHUMBRIS. The LDS Church?

Mrs. A. Yes.

Mr. CHUMBRIS. Who lives in the house with you?

Mrs. A. No one.

Mr. CHUMBRIS. I mean, your husband lives there, doesn't he?

Mrs. A. Oh, yes.

Mr. CHUMBRIS. And the two children?

Mrs. A. Yes, sir.

Mr. CHUMBRIS. Other than you and your husband, is there anyone else who lives in that home?

Mrs. A. No.

Mr. CHUMBRIS. Just the four of you?

Mrs. A. Yes.

Mr. CHUMBRIS. What kind of work do you do?

Mrs. A. Just a housewife.

Mr. CHUMBRIS. What type of work does your husband do?

Mrs. A. He is a farmer.

Mr. CHUMBRIS. Where does he farm?

Mrs. A. Hatch, Utah.

Mr. CHUMBRIS. How far is that from here?

Mrs. A. About 60 miles.

Mr. CHUMBRIS. In which direction?

Mrs. A. It is northwest of here, I think.

Mr. CHUMBRIS. Is it past St. George?

Mrs. A. Oh, yes.

Mr. CHUMBRIS. And northwest from St. George; is that right, or would it be straight north from St. George? On which highway is it?

Mrs. A. It is on Highway 80.

Mr. CHUMBRIS. Is that a Utah highway or is that a United States highway?

Mrs. A. I think it is United States.

Mr. CHUMBRIS. U. S. 80?

Mrs. A. I don't know for sure.

Mr. CHUMBRIS. But it is Highway 80, is that correct?

Mrs. A. Yes.

Mr. CHUMBRIS. Now, how often—does your husband farm 60 miles from here every day? Does it take him away from here every day?

Mrs. A. Oh, yes, but I go with him.

Mr. CHUMBRIS. You go with him?

Mrs. A. Yes.

Mr. CHUMBRIS. Do you work the farm with him?

Mrs. A. Yes.

Mr. CHUMBRIS. Who takes care of the children?

Mrs. A. I take them with me.

Mr. CHUMBRIS. Do you have a home there at Hatch also?

Mrs. A. Yes.

Mr. CHUMBRIS. And you have a home here and a home in Hatch; is that correct?

Mrs. A. Yes.

Mr. CHUMBRIS. Who lives in the home at Hatch?

Mrs. A. Nobody, just us.

Mr. CHUMBRIS. Just you and your husband and the two children?

Mrs. A. Yes. He has his two brothers that help him.

Mr. CHUMBRIS. And what are their names?

Mrs. A. Mr. B.

Mr. CHUMBRIS. And the other brother?

Mrs. A. Mr. C.

Mr. CHUMBRIS. What type of work do they do?

Mrs. A. Farming.

Mr. CHUMBRIS. How many times have you been married?

(No response.)

Mr. CHUMBRIS. Is this your only marriage?

Mrs. A. Yes.

Mr. CHUMBRIS. How about your husband? Has he been married previously?

Mrs. A. No.

Mr. CHUMBRIS. This is the only marriage for your husband also; is that correct?

Mrs. A. Yes.

Mr. CHUMBRIS. Now, I want to make sure I understand you correctly. Your husband has only been married once, is that correct?

Mrs. A. Yes.

Mr. CHUMBRIS. And you are his only wife, is that correct?

Mrs. A. Yes.

Mr. CHUMBRIS. He does not have any other wives besides you?

Mrs. A. No.

Mr. CHUMBRIS. Is that correct?

Mrs. A. Yes.

Mr. CHUMBRIS. Now, you understand that you are under oath; you have an understanding of that, is that correct?

Mrs. A. Yes.

Mr. CHUMBRIS. And that you have testified, or, rather you have sworn that every statement you make would be a full and complete statement.

Mrs. A. Yes.

Mr. CHUMBRIS. And you say that your husband has no other wife but you?

Mrs. A. That is right.

Mr. CHUMBRIS. Now, under your religious belief, is it your understanding that a man may have more than one wife?

Mrs. A. Yes.

Mr. CHUMBRIS. How long have you had that religious belief?

Mrs. A. Ever since I have been here.

Mr. CHUMBRIS. Ever since you have been here in Short Creek?

Mrs. A. Yes.

Mr. CHUMBRIS. Did you have that belief when you were living in Logan?

Mrs. A. No.

Mr. CHUMBRIS. No?

Mrs. A. No.

Mr. CHUMBRIS. When you left Logan, with whom did you come here?

Mrs. A. I came with my parents.

Mr. CHUMBRIS. Are your parents living here now?

Mrs. A. No.

Mr. CHUMBRIS. Where are they living now?

Mrs. A. They are living in Hurricane.

Mr. CHUMBRIS. When did they move to Hurricane?

Mrs. A. About 3 months ago.

Mr. CHUMBRIS. And they were living here in Short Creek previous to that time?

Mrs. A. No.

Mr. CHUMBRIS. Where were they living?

Mrs. A. In Nevada.

Mr. CHUMBRIS. Where in Nevada?

Mrs. A. Reno.

Mr. CHUMBRIS. Now, you stated that when you were living in Logan you did not believe in polygamous marriages, is that correct?

Mrs. A. Well, I was too young.

Mr. CHUMBRIS. How old were you?

Mrs. A. I was just a year old.

Mr. CHUMBRIS. You left Logan when you were a year old?

Mrs. A. Yes.

Mr. CHUMBRIS. Where did you move to?

Mrs. A. All over.

Mr. CHUMBRIS. When was the first time you started believing in a polygamous marriage, or in husbands having plural wives?

Mrs. A. When I was old enough to understand.

Mr. CHUMBRIS. When would that be?

Mrs. A. I don't know, about 12.

Mr. CHUMBRIS. Now, you say you are a faithful follower of the Mormon faith, is that correct?

Mrs. A. Yes.

Mr. CHUMBRIS. All people of the Mormon faith do not believe in plural wives, do they?

Mrs. A. No.

Mr. CHUMBRIS. What branch of it believes in plural wives?

Mrs. A. Well——

Mr. CHUMBRIS. Your religious group, is it separate and apart from the largest section of the Mormon Church that does not believe in plural wives?

Mrs. A. Yes.

Mr. CHUMBRIS. When was that formed, do you know?

Mrs. A. I don't know.

Mr. CHUMBRIS. Do you know who the leader of that group is?

Mrs. A. No.

Mr. CHUMBRIS. Who is the leader of your religious group here?

Mrs. A. I don't know.

Mr. CHUMBRIS. Don't you have a religious leader in this area in Short Creek?

Mrs. A. I imagine.

Mr. CHUMBRIS. Well, who is the one who conducts the religious services here in this area?

Mrs. A. Just lots of men.

Mr. CHUMBRIS. Well, which one is the most prominent of those men?

(No response.)

Mr. CHUMBRIS. Do you know Mr. D?

Mrs. A. Yes.

Mr. CHUMBRIS. Is he a leader in this community?

Mrs. A. I imagine.

Mr. CHUMBRIS. Is he a leader of your church group?

Mrs. A. Yes.

Mrs. CHUMBRIS. And does he conduct any of the religious services?

Mrs. A. Sometimes.

Mr. CHUMBRIS. And at these religious services does he instruct the members of the group that it is perfectly proper to have plural wives?

Mrs. A. No, I have never heard him.

Mr. CHUMBRIS. You have never heard him preach that?

Mrs. A. No.

Mr. CHUMBRIS. Do you know if he personally has more than one wife?

Mrs. A. I don't know.

Mr. CHUMBRIS. Do you know him very well?

Mrs. A. Not so very well.

Mr. CHUMBRIS. Is he married?

Mrs. A. I imagine so.

Mr. CHUMBRIS. You don't know whether he has more than one wife or not; is that right?

Mrs. A. Well, I don't know other people's business.

Mr. CHUMBRIS. How many people live here in Short Creek?

Mrs. A. I don't know, about 300, I guess.

Mr. CHUMBRIS. And you have been living here, you said, for 7 years; is that correct?

Mrs. A. I guess.

Mr. CHUMBRIS. And then with only 300 people, I imagine within 7 years you would know most of the people, wouldn't you?

Mrs. A. I imagine.

Mr. CHUMBRIS. And therefore you do know who Mr. D is?

Mrs. A. Yes.

Mr. CHUMBRIS. Have you seen him with more than one wife? (No response.)

Mr. CHUMBRIS. Do you ever visit Mr. D's home? (No response.)

Mr. CHUMBRIS. Have you ever been in Mr. D's home?

Mrs. A. Yes.

Mr. CHUMBRIS. Was it a social call?

Mrs. A. What do you mean?

Mr. CHUMBRIS. Did you go to visit him socially, to visit and have dinner, maybe, or talk or listen to music, or have Bible discussions? What was the occasion of your visit to Mr. D's home?

Mrs. A. I don't know.

Mr. CHUMBRIS. Whom did you go with when you went there?

Mrs. A. Nobody.

Mr. CHUMBRIS. You went alone?

Mrs. A. Well, I have been there quite a few times, but I don't know, I——

Mr. CHUMBRIS. Now, I want you to take your time, and when you answer a question, I want you to answer it as fully as you know how.

Mrs. A. All right.

Mr. CHUMBRIS. You said you went to visit Mr. D's home alone; is that correct?

Mrs. A. I have been there many times.

Mr. CHUMBRIS. When you visited Mr. D's home, was there anybody else there when you got there?

Mrs. A. No.

Mr. CHUMBRIS. He was home alone?

Mrs. A. He was not there.

Mr. CHUMBRIS. Have you ever visited his home when he was there?

Mrs. A. Not very much.

Mr. CHUMBRIS. Could you explain the few times that he was there, could you explain what type of visit it was?

Mrs. A. Just mostly to talk.

Mr. CHUMBRIS. Who else was there besides Mr. D?

Mrs. A. Just Mrs. D.

Mr. CHUMBRIS. Mrs. D?

Mrs. A. Yes.

Mr. CHUMBRIS. Do you know Mrs. D very well?

Mrs. A. Yes.

Mr. CHUMBRIS. How old a person is she?

Mrs. A. I don't know, she is about 70, I guess.

Mr. CHUMBRIS. About 70?

Mrs. A. I don't know how old she is.

Mr. CHUMBRIS. Were there any other women there at the time?

Mrs. A. No.

Mr. CHUMBRIS. And you of your own knowledge know of no other wife that Mr. D has but this lady you just referred to, is that correct?

Mrs. A. I just imagine he would have more.

Mr. CHUMBRIS. You imagine he has more than one wife?

Mrs. A. Yes.

Mr. CHUMBRIS. Why would you imagine that?

Mrs. A. Because that is the way I believe.

Mr. CHUMBRIS. Has he taught you to believe that way?

Mrs. A. No, he has never said anything to me about it.

Mr. CHUMBRIS. Who is the first one who taught you to believe that a man could have more than one wife?

Mrs. A. No one.

Mr. CHUMBRIS. Where did you learn it?

Mrs. A. I don't know. I just—nobody taught it to me especially. I just studied the books.

Mr. CHUMBRIS. Does your mother and father believe that a man may have more than one wife?

Mrs. A. I don't know.

Mr. CHUMBRIS. Have your mother and father ever discussed that problem with you?

Mrs. A. No.

Mr. CHUMBRIS. Therefore you did not learn it from them, is that right?

Mrs. A. No.

Mr. CHUMBRIS. Did your father ever have more than one wife at one time?

Mrs. A. No.

Mr. CHUMBRIS. He did not practice plural wives then, did he?

Mrs. A. No.

Mr. CHUMBRIS. Of your close girl friends, how many close girl friends do you have that you know intimately?

Mrs. A. Not very many.

Mr. CHUMBRIS. How many?

(No response.)

Mr. CHUMBRIS. Do you know five?

Mr. A. Oh, about that many, I guess.

Mr. CHUMBRIS. Are these girls married, these five?

Mrs. A. I imagine.

Mr. CHUMBRIS. Well, would you know for sure that they are married?

Mr. A. I can't even think of five of them now.

Mr. CHUMBRIS. Do you have one girl friend who is married?

Mrs. A. Yes.

Mrs. CHUMBRIS. And do you know if her husband has more than one wife?

Mrs. A. No.

Mr. CHUMBRIS. When you say "No," do you mean that you don't know, or that he doesn't have more than one?

Mrs. A. I don't know.

Mr. CHUMBRIS. You don't know whether he would have more than one or not; is that correct?

Mrs. A. That is correct.

Mr. CAINE. Do you know Mrs. X?

Mrs. A. Yes.

Mr. CAINE. What relationship does she have to Mr. D?

Mrs. A. I don't know.

Mr. CAINE. Isn't Mrs. X one of Mr. D's wives?

Mrs. A. I don't know.

Mr. CAINE. You know her, though?

Mrs. A. Yes, I know her a little.

Mr. CAINE. Do you know Mrs. W?

Mrs. A. The postmistress?

Mrs. CAINE. Yes, the postmistress here.

Mrs. A. Yes.

Mr. CAINE. Do you know what relationship she has to Mr. D?

Mrs. A. None that I know of.

Mr. CAINE. You don't know that she is commonly considered his plural wife?

Mrs. A. No.

Mr. CAINE. Would you say she is not his plural wife?

Mrs. A. I don't know anything about it.

Mr. CAINE. Now, you stated that you were a Mormon. By that do you mean that you are a member of the Church of Jesus Christ of the Latter-day Saints, whose headquarters are at Salt Lake City. David McKay the president? Do you mean that church?

Mrs. A. We have more or less severed from it.

Mr. CAINE. When you say you are a Mormon, do you mean that you are an old-fashioned Mormon, one of the orthodox Mormons?

Mrs. A. Yes, that is what they call us.

Mr. CAINE. You don't mean then that you are a member of the Church of Jesus Christ of the Latter Day Saints, whose authorities are at Salt Lake City, and the president of which church is David McKay? You don't mean that you are a member of that church, then?

Mrs. A. That is right.

Mr. CAINE. In connection with your young lady friends here, would you give me the name of the 1 young lady, or of 1 young lady that you are friendly with?

Mrs. A. Mrs. E.

Mr. CAINE. And who did you say her husband is?

Mrs. A. Mr. E is his name.

Mr. CAINE. Mrs. E is not one of the young ladies in the kitchen here outside, is she?

Mrs. A. No.

Mr. CHUMBRIS. Have you ever been advised by anyone that under the laws of the State of Utah, and under the constitution of the State of Arizona, it is illegal for a man to have more than one wife?

Mrs. A. I know that Utah has a law against it, but Arizona does not.

Mr. CHUMBRIS. Well, if I told you that the constitution and Enabling Act of the State of Arizona has a prohibition against plural wives, would you say I was correct or incorrect?

Mrs. A. I don't know.

Mr. CHUMBRIS. Who told you that Arizona does not have a law on that?

Mrs. A. That is what I heard, that is all.

Mr. CHUMBRIS. But you did hear that Utah has a law against plural wives?

Mrs. A. Yes.

Mr. CHUMBRIS. Then you know of your own knowledge that it is illegal for a man to have more than one wife, is that correct?

Mrs. A. In Utah, yes.

Mr. CHUMBRIS. In Utah?

Mrs. A. Yes.

Mr. CHUMBRIS. If it was definitely pointed out that Arizona has such a provision in their Enabling Act, and their constitution, then you would also know that you were under a misapprehension as to a man having plural wives being legal?

Mrs. A. Say that again.

Mr. CHUMBRIS. I say, if it was pointed out that in the Arizona code and the Enabling Act of Arizona, that it is illegal for a man to have more than one wife, then your previous understanding to the opposite view would be wrong, is that correct?

(No response.)

Mr. CHUMBRIS. Would you be willing to take what the Arizona constitution and Enabling Act says in preference to what you heard?

Mrs. A. I don't know. I would have to wait for that day, I guess.

Mr. CHUMBRIS. Who told you that Arizona had no prohibition against plural wives?

Mrs. A. I don't know, I just heard it by way of the grapevine, I guess.

Mr. CHUMBRIS. By way of the grapevine?

Mrs. A. Yes.

Mr. CHUMBRIS. Could you tell me if there isn't a written paper or a printed paper that has been circulated to the effect that Arizona does not prohibit plural wives for men?

Mrs. A. No.

Mr. CHUMBRIS. You have never seen it?

Mrs. A. No.

Mr. CHUMBRIS. But you do know that Utah has a prohibition against plural wives for men, is that right?

Mrs. A. Yes.

Mr. CHUMBRIS. In view of your knowledge that the State of Utah has a prohibition against plural wives for men, do you still believe that it is perfectly proper for a man to have more than one wife?

Mrs. A. Yes.

Mr. CHUMBRIS. Could you explain to us why you have that belief and that preference?

Mrs. A. Just because that is the way I believe.

Mr. CHUMBRIS. Even though it might be illegal under the laws of the States?

Mrs. A. Yes.

Mr. CHUMBRIS. That is all. Wait, please.

Now, I would like to ask you this question again, that has been asked by me and also by Mr. Caine: Are you sure, of your own knowledge, that your girl friends do not have husbands who practice plural wives? Now, you are certain of that under oath?

Mrs. A. Yes, I am certain. I don't know anything about that.

Mr. CHUMBRIS. Even though you know the girls intimately, you do not know whether their husbands may have plural wives?

Mrs. A. Well, I don't know them so intimately that I know all their business.

Mr. CHUMBRIS. Well, in a community of only 300 people, it is not difficult to learn if a man has more than one wife or not, after you have been here 7 years, is it? Would you consider that unreasonable?

Mrs. A. Well, I don't know, anyway. I don't know anything about it.

Mr. CAINE. Mrs. A, for your information, I am not sure that you know who is here this morning, but I want to make this representation to you, so that you will know.

This gentleman here is Senator Langer of the United States Senate. This is counsel, Mr. Chumbris. And I have in my hand, and I will show to you, volume I of the Arizona Code Annotated, volume I, containing the constitution of the State of Arizona, and so that you will be sure I point to the title, "Constitution of the State of Arizona," and I turn to article 20, the second ordinance of article 20 of the constitution of the State of Arizona, adopted in 1912. Now this has been the law ever since 1921 in Arizona, and it reads:

The following ordinance shall be irrevocable without the consent of the United States and the people of this State:

Polygamy: Polygamous or plural marriages or polygamous cohabitation are forever prohibited within this State.

That has never been changed. That is the law today. So I would like to advise you that whoever told you, whatever rumors you have heard over the grapevine, that polygamy was legal in Arizona, has sadly misinformed you. It is not legal in Arizona, in spite of the mimeographed copies of Jim Smith of the Arizona Senate, that he circulated throughout this community in the past year. I would like to have you read that yourself, so that the next time you engage in conversation about polygamy being legal in Arizona, you can say that you have seen in black and white that it is not, and that the words say "shall be forever prohibited."

Now, Mrs. E is the one friend that you named specifically. You said that she was the wife of Mr. E.

Mrs. A. Yes.

Mr. CAINE. Is she his legal wife or plural wife?

Mrs. A. She is his legal.

Mr. CAINE. Does he have plural wives in addition to the legal wife?

Mrs. A. Not that I know of.

Mr. CAINE. Does she have children?

Mrs. A. No.

Mr. CAINE. How old is she now?

Mrs. A. Seventeen.

Mr. CAINE. When did she marry Mr. E?

Mrs. A. I cannot remember.

Mr. CAINE. Would it be 1 year, 2 years, 3 years?

Mrs. A. I guess it was about 4 years ago.

Mr. CAINE. About 4 years ago?

Mrs. A. Yes.

Mr. CAINE. And she is 17 now?

Mrs. A. Yes.

Mr. CAINE. And you state that you were 15 when you were married yourself?

Mrs. A. Yes.

Mr. CAINE. And you were married at St. George, Utah?

Mrs. A. Yes.

Mr. CAINE. Did you have the consent of your parents to get married?

Mrs. A. Yes.

MR. CAINE. Were they with you at the time you were married?

MRS. A. Yes.

MR. CAINE. Were your children under the custody of the Arizona State Department of Public Welfare, and were you down and around Tempe and Mesa, or were you one of those who was not removed from this area?

MRS. A. I was not taken.

MR. CAINE. You were not one of those who was removed?

MRS. A. No.

MR. CHUMBRIS. You say you were not taken down to Tempe or Phoenix, is that correct?

MRS. A. Yes.

MR. CHUMBRIS. Was your husband ever apprehended by the sheriff or by the police for polygamous action?

MRS. A. Yes.

MR. CHUMBRIS. He was arrested?

MRS. A. Yes.

MR. CHUMBRIS. And what happened after he was arrested?

MRS. A. He was in jail for a week.

MR. CHUMBRIS. Then what happened?

MRS. A. They let him out on bond.

MR. CHUMBRIS. Then what happened?

MRS. A. Nothing.

MR. CHUMBRIS. Did his case ever come up for trial?

MRS. A. No, they released him.

MR. CHUMBRIS. They released your husband?

MRS. A. Yes.

MR. CHUMBRIS. His case was never completed, is that correct?

MRS. A. That is right.

MR. CHUMBRIS. Where is your husband now?

MRS. A. Home.

MR. CHUMBRIS. Home? Where, here in Short Creek?

MRS. A. Yes.

MR. CHUMBRIS. Do you know if he has been served? Will you see that he gets a subpoena if he has not?

MR. CAINE. Yes.

MR. CHUMBRIS. Now, would you please give me the names? You have given the name of Mrs. E, is that right, as one of your friends?

MRS. A. Yes.

MR. CHUMBRIS. Do you have any of your friends inside in the room, in the kitchen?

MRS. A. They are all my friends.

MR. CHUMBRIS. I mean, do you know them intimately?

MRS. A. No, just friends, that is all.

MR. CHUMBRIS. Do you know of any of the ladies who are in the kitchen—do you know if their husbands have more than one wife?

MRS. A. I don't know.

MR. CHUMBRIS. Are you sure you don't know?

MRS. A. I am sure I don't know.

MR. CHUMBRIS. Do you know Mrs. F2?

MRS. A. Yes.

MR. CHUMBRIS. How well do you know her?

MRS. A. Not so specially well.

Mr. CHUMBRIS. Would you say you have known her for a year or 2 years?

Mrs. A. Oh, I have known her that long, but some girls you get to know better than others.

Mr. CHUMBRIS. From this room here, where is your home here in Short Creek, how far from here?

Mrs. A. Up the street.

Mr. CHUMBRIS. How far, 100 feet, 200 feet?

Mrs. A. A block, I guess.

Mr. CHUMBRIS. How far is Mrs. F2's home from here?

Mrs. A. Right next to mine.

Mr. CHUMBRIS. Right next door?

Mrs. A. Yes.

Mr. CHUMBRIS. So she lives right next door to you?

Mrs. A. Yes.

Mr. CHUMBRIS. How many husbands does she have?

Mrs. A. None.

Mr. CHUMBRIS. She is single, is that right?

Mrs. A. Yes.

Mr. CHUMBRIS. Are you sure she is single?

Mrs. A. Yes.

Mr. CHUMBRIS. Who is Mr. F?

Mrs. A. That is Mr. A's brother.

Mr. CHUMBRIS. And you are sure ——— is not the plural wife of Mr. F?

Mrs. A. I guess she is.

Mr. CHUMBRIS. Why did you say she was single?

Mrs. A. I don't know. I just did.

Mr. CHUMBRIS. Now, young lady, you realize that the statement you have just made is directly opposite to the statement you made just 30 seconds ago; is that correct?

Mrs. A. Yes.

Mr. CHUMBRIS. Senator, would you like to point out something to the young lady now, please?

Senator LANGER. How old are you?

Mrs. A. Eighteen.

Senator LANGER. Of course, you know what an oath is?

Mrs. A. Yes.

Senator LANGER. Just observe it. Go ahead.

Mr. CHUMBRIS. Now, I would like to ask you a series of questions that I asked you previously, in view of your change of testimony on this last answer, wherein you first said Mrs. F2 was single and now you admit that she is a plural wife of your husband's brother, is that correct?

Mrs. A. Yes.

Mr. CHUMBRIS. Now, how about Mrs. E. is she the plural wife of any man that you know of?

Mrs. A. She is Mr. E's legal wife.

Mr. CHUMBRIS. Where do they live?

Mrs. A. Down the street.

Mr. CHUMBRIS. Which way?

Mrs. A. Around the corner [indicating].

Mr. CHUMBRIS. Do they live near you?

Mrs. A. No.

Mr. CHUMBRIS. In the other direction?

Mrs. A. Yes.

Mr. CHUMBRIS. Do you see her very often?

Mrs. A. No.

Mr. CHUMBRIS. Now, in view of the direction of the Senator, you still insist that Mrs. E—just scratch that.

Senator LANGER. No, take everything that is said.

Mr. CHUMBRIS. You can answer that question then—that your position is that Mrs. E's husband has no plural wives, is that correct?

Mrs. A. That is right.

Mr. CHUMBRIS. Now, you said that Mrs. F2 lives next door to you.

Mrs. A. Yes.

Mr. CHUMBRIS. And you say that she is the plural wife of Mr. F, is that correct?

Mrs. A. Yes.

Mr. CHUMBRIS. How do you know that?

Mrs. A. Just what I have heard, is all.

Mr. CHUMBRIS. Have you seen her in Mr. F's home?

Mrs. A. No.

Mr. CHUMBRIS. Does Mr. F live next door to you?

Mrs. A. No.

Mr. CHUMBRIS. Where does he live?

Mrs. A. Across the street, over here [indicating].

Mr. CHUMBRIS. Who else lives in Mrs. F2's home?

Mrs. A. Her mother.

Mr. CHUMBRIS. Who else?

Mrs. A. Her mother.

Mr. CHUMBRIS. Just she and her mother?

Mrs. A. Yes.

Mr. CHUMBRIS. Do you know if Mr. F has other wives than Mrs. F2?

Mrs. A. Yes.

Mr. CHUMBRIS. Who are they?

Mrs. A. Mrs. F3.

Mr. CHUMBRIS. And who else?

Mrs. A. That is all I know.

Mr. CHUMBRIS. The two of them, is that correct?

Mrs. A. Yes.

Mr. CHUMBRIS. Do you know whether Mrs. F2 is the plural wife of Mr. D?

Mrs. A. No.

Mr. CHUMBRIS. Are you sure?

Mrs. A. She couldn't be if she was Mr. F's wife.

Mr. CHUMBRIS. And she is not also the plural wife of Mr. D?

Mrs. A. Of course, not.

Mr. CHUMBRIS. Do you know Mrs. G?

Mrs. A. Yes.

Mr. CHUMBRIS. And is she married?

Mrs. A. Yes.

Mr. CHUMBRIS. Who is her husband?

Mrs. A. Mr. G.

Mr. CHUMBRIS. Do you know if Mr. G has any other wives?

Mrs. A. Yes.

Mr. CHUMBRIS. And who would the other wives be?

Mrs. A. Mrs. G2.

Mr. CHUMBRIS. Who else?

Mrs. A. That is all.

Mr. CHUMBRIS. What is her full name?

Mrs. A. Mrs. G2.

Mr. CHUMBRIS. And you are sure that Mrs. G and Mrs. G2 are the two wives of Mr. G, is that right?

Mrs. A. That is all I know of.

Mr. CHUMBRIS. How do you know that?

Mrs. A. Just by what I have heard, is all.

Mr. CHUMBRIS. Just from what you have heard?

Mrs. A. Yes.

Mr. CHUMBRIS. Have you seen them together?

Mrs. A. No.

Mr. CHUMBRIS. Which one is the legal wife?

Mrs. A. Mrs. G.

Mr. CHUMBRIS. And Mrs. G2 is the plural wife, is that right?

Mrs. A. Yes.

Mr. CHUMBRIS. How old is Mrs. G2?

Mrs. A. Eighteen.

Mr. CHUMBRIS. And how long has she been the plural wife of Mr. G?

Mrs. A. I don't know.

Mr. CHUMBRIS. Would you say a year?

Mrs. A. I don't know exactly how long.

Mr. CHUMBRIS. Would you say 2 years?

Mrs. A. I would just have to guess, is all.

Mr. CHUMBRIS. Would you say 3 years?

Mrs. A. I don't know, about $2\frac{1}{2}$, 3 years, I guess.

Mr. CHUMBRIS. That would make her about 15 or 16 years old at the time, is that right?

Mrs. A. I guess.

Mr. CHUMBRIS. Does Mr. G have any children?

Mrs. A. Yes.

Mr. CHUMBRIS. Does he have any children by Mrs. G?

Mrs. A. Yes.

Mr. CHUMBRIS. How many?

Mrs. A. Five or six, I guess.

Mr. CHUMBRIS. How many children does he have by Mrs. G2?

Mrs. A. None that I know of.

Mr. CHUMBRIS. None that you know of?

Mrs. A. That is right.

Mr. CHUMBRIS. Are you sure?

Mrs. A. Yes.

Mr. CHUMBRIS. Do you know Mrs. H?

Mrs. A. Yes.

Mr. CHUMBRIS. And who is her husband?

Mrs. A. Mr. H.

Mr. CHUMBRIS. Is he your brother-in-law?

Mrs. A. Yes.

Mr. CHUMBRIS. Does Mr. H have any plural wives?

Mrs. A. Yes.

Mr. CHUMBRIS. How many?

Mrs. A. One.

Mr. CHUMBRIS. What is her name?

Mrs. A. Mrs. H2.

Mr. CHUMBRIS. What?

Mrs. A. Mrs. H2.

Mr. CHUMBRIS. And do they have any children?

Mrs. A. Yes.

Mr. CHUMBRIS. How many?

Mrs. A. I don't know.

Mr. CHUMBRIS. But they do have some children?

Mrs. A. Yes.

Mr. CHUMBRIS. Are they young children?

Mrs. A. Yes.

Mr. CHUMBRIS. Would you say 1 year old, 2 years, 3 years?

Mrs. A. The oldest one is about 10.

Mr. CHUMBRIS. Did Mr. and Mrs. H have any children?

Mrs. A. Yes.

Mr. CHUMBRIS. How many?

Mrs. A. I imagine they have seven, I don't know.

Mr. CHUMBRIS. Do you know Mrs. J?

Mrs. A. Yes.

Mr. CHUMBRIS. Is she the sister of Mrs. F2?

Mrs. A. She is the mother.

Mr. CHUMBRIS. She is the mother of Mrs. F2?

Mrs. A. Yes.

Mr. CHUMBRIS. Who is her husband?

Mrs. A. Mr. J.

Mr. CHUMBRIS. Where does he live?

Mrs. A. Short Creek.

Mr. CHUMBRIS. Does he live with Mrs. J?

Mrs. A. I imagine so.

Mr. CHUMBRIS. A moment ago you said that Mrs. F2 lived alone with Mrs. J.

Mrs. A. She lives with her mother; yes, that is right.

Mr. CHUMBRIS. With her mother and father?

Mrs. A. Yes.

Mr. CHUMBRIS. Does Mr. J have any plural wives?

Mrs. A. Yes.

Mr. CHUMBRIS. How many?

Mrs. A. Two.

Mr. CHUMBRIS. Two besides Mrs. J?

Mrs. A. Yes.

Mr. CHUMBRIS. What are their names?

Mrs. A. Mrs. J2.

Mr. CHUMBRIS. What is Mrs. J2's last name?

Mrs. A. Mrs. J2.

Mr. CHUMBRIS. Now, is Mrs. J2 the sister of Mrs. H2?

Mrs. A. Yes.

Mr. CHUMBRIS. What is the other wife's name?

Mrs. A. Mrs. J3.

Mr. CHUMBRIS. And does Mr. J have any children with Mrs. J2?

Mrs. A. Yes.

Mr. CHUMBRIS. How many?

Mrs. A. Seven.

Mr. CHUMBRIS. Seven?

Mrs. A. Seven.

Mr. CHUMBRIS. And how many children does he have with Mrs. J3?

Mrs. A. I think the same.

Mr. CHUMBRIS. Seven with each?

Mrs. A. Yes.

Mr. CHUMBRIS. How old is Mrs. J2?

Mrs. A. I don't know.

Mr. CHUMBRIS. How old would you say?

Mrs. A. About 40 or 30, or something like that.

Mr. CHUMBRIS. Would you say she is over 30?

Mrs. A. Yes.

Mr. CHUMBRIS. And how about Mrs. J3? How old is she?

Mrs. A. She is in her fifties, I guess.

Mr. CHUMBRIS. How old is Mrs. J?

Mrs. A. What did you say before?

Mr. CHUMBRIS. I asked you how old Mrs. J2 was.

Mrs. A. She is in her thirties.

Mr. CHUMBRIS. And she is the one that has seven children?

Mrs. A. Yes.

Mr. CHUMBRIS. And Mrs. J3?

Mrs. A. She is around the same, in her thirties.

Mr. CHUMBRIS. She is in her thirties also?

Mrs. A. Yes.

Mr. CHUMBRIS. And Mrs. H2, Mrs. J2, and Mrs. J3 are all sisters, is that right?

Mrs. A. Yes.

Mr. CHUMBRIS. And as I understand it, Mrs. H2 is the plural wife of Mr. H, and the other two sisters are plural wives of Mr. J, is that right?

Mrs. A. Yes.

Mr. CHUMBRIS. How do you know that Mrs. J2 and Mrs. J3 are plural wives of Mr. J?

Mrs. A. The same way I knew of the others, just from what you hear.

Mr. CHUMBRIS. Have you visited their homes?

Mrs. A. No.

Mr. CHUMBRIS. You have not visited their homes?

Mrs. A. No.

Mr. CHUMBRIS. In 7 years you have never visited the J's home?

Mrs. A. No.

Mr. CHUMBRIS. Do you know Mrs. K?

Mrs. A. Yes.

Mr. CHUMBRIS. Who is her husband?

Mrs. A. Mr. K.

Mr. CHUMBRIS. Does Mr. K have any plural wives?

Mrs. A. Well, he did have one, but——

Mr. CHUMBRIS. He had one?

Mrs. A. Yes.

Mr. CHUMBRIS. What was her name?

Mrs. A. Mrs. K2.

Mr. CHUMBRIS. What happened there?

Mrs. A. I don't know.

Mr. CHUMBRIS. Is she living?

Mrs. A. Yes.

Mr. CHUMBRIS. Did she leave him?

Mrs. A. Well, I don't know what it is.

Mr. CHUMBRIS. Does she still live here in Short Creek?

Mrs. A. Yes.

Mr. CHUMBRIS. But she is no longer considered Mr. K's plural wife?

Mrs. A. I don't know. I guess she is, I don't know.

Mr. CHUMBRIS. She still may be, is that right?

Mrs. A. Yes.

Mr. CHUMBRIS. Do they have any children?

Mrs. A. Yes.

Mr. CHUMBRIS. How many?

Mrs. A. I don't know, I guess about 10.

Mr. CHUMBRIS. About 10 children?

Mrs. A. Yes.

Mr. CHUMBRIS. And what are their ages?

Mrs. A. Oh, I don't know. The oldest one is about 22, I guess.

Mr. CHUMBRIS. And the youngest?

Mrs. A. I don't know how old he would be.

Mr. CHUMBRIS. How old is Mr. K?

Mrs. A. I imagine he is in his fifties.

Mr. CHUMBRIS. How old would you say Mrs. K is, his plural wife?

Mrs. A. She is about that old.

Mr. CHUMBRIS. About 50?

Mrs. A. Forty-nine or fifty.

Mr. CHUMBRIS. How about Mrs. K, his legal wife?

Mrs. A. I imagine she is 38, I guess.

Mr. CHUMBRIS. Is Mrs. K his legal wife?

Mrs. A. Yes.

Mr. CHUMBRIS. And Mrs. K2 is his plural wife, is that right?

Mrs. A. I guess.

Mr. CHUMBRIS. Do you know Mrs. A?

Mrs. A. That is me.

Mr. CHUMBRIS. That is right. You are Mrs. A. Do you know Mrs. L?

Mrs. A. I know her slightly.

Mr. CHUMBRIS. Does she have a husband?

Mrs. A. Yes.

Mr. CHUMBRIS. What is his name?

Mrs. A. Mr. L.

Mr. CHUMBRIS. Does he have a plural wife?

Mrs. A. No.

Mr. CHUMBRIS. Are you sure?

Mrs. A. I am quite sure he does not.

Mr. CHUMBRIS. How about Mrs. M?

Mrs. A. I know her.

Mr. CHUMBRIS. Does she have a husband?

Mrs. A. Yes.

Mr. CHUMBRIS. What is his name?

(No response.)

Mr. CHUMBRIS. What is his name?

Mrs. A. I cannot think of it.

Mr. CHUMBRIS. Does he have a plural wife?

Mrs. A. I don't know.

Mr. CHUMBRIS. You are sure you don't know whether he has a plural wife or not, is that right?

(No response.)

Mr. CHUMBRIS. Is it possible he has a plural wife also?

Mrs. A. I imagine.

Mr. CHUMBRIS. Do you know a girl by the name of Mrs. L2 who is Mr. L's plural wife? Does that help refresh your recollection?

Mrs. A. There was a Mrs. L2 here, but I don't know.

Mr. CHUMBRIS. Does Mrs. M have any children?

Mrs. A. Yes, but——

Mr. CHUMBRIS. How many? You say, "Yes, but."

Mrs. A. Yes. She has got some children.

Mr. CHUMBRIS. How many?

Mrs. A. I guess she has had about five, I don't know.

Mr. CHUMBRIS. Are they young?

Mrs. A. No, they are all grown.

Mr. CHUMBRIS. This girl Mrs. L2 who is the plural wife of Mrs. M's husband whose name you don't remember, do they have any children?

Mrs. A. She had some children when she was here.

Mr. CHUMBRIS. How old would you say they were?

Mrs. A. I don't know, about two, I guess.

Mr. CHUMBRIS. Are they young or old?

Mrs. A. Young.

Mr. CHUMBRIS. What ages, 2, 5, 10, 15?

Mrs. A. About 2 or 3.

Mr. CHUMBRIS. Do you know Mrs. F?

Mrs. A. Mrs. F?

Mr. CHUMBRIS. Mrs. F?

Mrs. A. Yes.

Mr. CHUMBRIS. And is she married?

Mrs. A. Who is it?

Mr. CHUMBRIS. Mrs. F.

Mrs. A. It is supposed to be Mrs. F, isn't it?

Mr. CAINE. We have a Mrs. F.

Mr. CHUMBRIS. Is she married?

Mrs. A. Yes.

Mr. CHUMBRIS. Who is her husband?

Mrs. A. Mr. F.

Mr. CHUMBRIS. And he has a plural wife, is that right?

Mrs. A. Yes.

Mr. CHUMBRIS. And who is his plural wife?

Mrs. A. Mrs. F2.

Mr. CHUMBRIS. Give me her name again for the record.

Mrs. A. Whose?

Mr. CHUMBRIS. Mr. F's plural wife.

Mrs. A. Mrs. F2.

Mr. CHUMBRIS. And do they have any children?

Mrs. A. Who?

Mr. CHUMBRIS. Mrs. F2 and Mr. F.

Mrs. A. Yes.

Mr. CHUMBRIS. How many?

Mrs. A. One.

Mr. CHUMBRIS. And Mrs. F2 is the girl who lives next door to you?

Mrs. A. That is right.

MR. CHUMBRIS. So you do know quite a bit about these people?

MRS. A. Yes.

MR. CHUMBRIS. Is that right? You know that they have this number of children, and all this information that you have given us now is correct information, isn't it?

MRS. A. So far as I know.

MR. CHUMBRIS. That they are plural wives of these men, and they have these children, as you have given it to us in the record, is that correct?

MRS. A. Yes.

MR. CHUMBRIS. Mrs. G is married to Mr. G; correct?

MRS. A. Yes.

MR. CHUMBRIS. And the plural wife of Mr. G is Mrs. G2, is that correct?

MRS. A. Yes.

MR. CHUMBRIS. Has Mrs. G2 ever told you that she is the plural wife of Mr. G?

MRS. A. No.

MR. CHUMBRIS. You are sure?

MRS. A. Yes.

MR. CHUMBRIS. She has never told you that in private conversation?

MRS. A. No.

MR. CHUMBRIS. Has Mr. G told you that Mrs. G2 was his plural wife?

MRS. A. No.

MR. CHUMBRIS. Did Mrs. G2 ever tell you—first, let me see—did Mrs. G2 have any children with Mr. G?

MRS. A. No.

MR. CHUMBRIS. She did not have any children?

MRS. A. No.

MR. CHUMBRIS. She is the 18-year-old girl, is that correct?

MRS. A. Yes.

MR. CHUMBRIS. And Mrs. H is married to Mr. H?

MRS. A. Yes.

MR. CHUMBRIS. And Mrs. H2 is the plural wife?

MRS. A. Yes.

MR. CHUMBRIS. Do they have any children?

MRS. A. Mrs. H2?

MR. CHUMBRIS. Yes.

MRS. A. Yes.

MR. CHUMBRIS. Has Mrs. H2 ever told you that she is the plural wife of Mr. H?

MRS. A. No.

MR. CHUMBRIS. But you say that they have children?

MRS. A. Yes.

MR. CHUMBRIS. Has Mr. H ever told you Mrs. H2 is his plural wife?

MRS. A. No.

MR. CHUMBRIS. Have any of the children advised you that Mrs. H2 is their mother and Mr. H is their father?

MRS. A. Oh, sure.

MR. CHUMBRIS. What?

MRS. A. Sure.

MR. CHUMBRIS. What is that?

MRS. A. Yes.

Mr. CHUMBRIS. In other words, the children of Mrs. H2 and Mr. H have told you that Mrs. H2 is their mother and Mr. H is their father; is that right?

Mrs. A. They call them mother and father, of course.

Mr. CHUMBRIS. And that is why you know Mrs. H2 is the plural wife of Mr. H; is that right?

Mrs. A. Yes.

Mr. CHUMBRIS. And Mrs. J has a husband by the name of Mr. J; is that right?

Mrs. A. Yes.

Mr. CHUMBRIS. And Mrs. J2 is one of his plural wives?

Mrs. A. Yes.

Mr. CHUMBRIS. And Mrs. J3 is another plural wife?

Mrs. A. Yes.

Mr. CHUMBRIS. Has either Mrs. J2 or Mrs. J3 ever told you that Mr. J is their husband?

Mrs. A. No.

Mr. CHUMBRIS. Neither one of them have?

Mrs. A. No.

Mr. CHUMBRIS. Both of them have children; is that correct?

Mrs. A. Yes.

Mr. CHUMBRIS. Have their children ever told you, or in your presence called Mrs. J2 mother and Mr. J their father?

Mrs. A. No.

Mr. CHUMBRIS. How about the children of Mrs. J3? Have they ever told you Mrs. J3 is their mother and Mr. J is their father?

Mrs. A. No; they have not told me.

Mr. CHUMBRIS. Then the situation here is different than with Mr. G; is that right, because you said in that case the children call them mother and father?

Mrs. A. I have not been around them that much.

Mr. CHUMBRIS. Have you ever heard the children of Mrs. J2 and Mrs. J3, fathered by Mr. J, mention that Mr. J is the father and Mrs. J2 the mother?

Mrs. A. No.

Mr. CHUMBRIS. You have never heard them refer to them as mother and father?

Mrs. A. No; I just imagine they would, though, is all.

Mr. CHUMBRIS. And Mrs. K, her husband is Mr. K?

Mrs. A. Yes.

Mr. CHUMBRIS. And his plural wife is Mrs. K2, is that right?

Mrs. A. Yes.

Mr. CHUMBRIS. What was Mrs. K2's last name?

Mrs. A. Mrs. K2.

Mr. CHUMBRIS. She takes his name also, is that right?

Mrs. A. Yes.

Mr. CHUMBRIS. You say they have children, too?

Mrs. A. Yes.

Mr. CHUMBRIS. Now, has Mrs. K2 ever told you that Mr. K was her husband?

Mrs. A. No, not directly.

Mr. CHUMBRIS. Not directly?

Mrs. A. No.

Mr. CHUMBRIS. Have they acted as husband and wife in public, so that you would observe it?

Mrs. A. No.

Mr. CHUMBRIS. Have their children ever told you their mother was Mrs. K2 and that Mr. K was their father?

Mrs. A. Oh, sure.

Mr. CHUMBRIS. Oh, sure?

Mrs. A. Yes.

Mr. CHUMBRIS. You mentioned Mrs. F2, and her husband is Mr. F, is that right?

Mrs. A. Yes.

Mr. CHUMBRIS. And they have one child, did you say?

Mrs. A. Yes.

Mr. CHUMBRIS. Now, has Mrs. F2 ever told you that Mr. F was her husband?

Mrs. A. No.

Mrs. CHUMBRIS. She is one of your closest friends, too, isn't she?

Mrs. A. No, she isn't.

Mr. CHUMBRIS. She lives next door to you.

Mrs. A. She is only living there since she came back home from Phoenix.

Mr. CHUMBRIS. Have the children ever mentioned to you or in your presence that Mr. F is their father and Mrs. F2 was their mother?

Mrs. A. No, they are too little to talk.

Mr. CHUMBRIS. But you do know that she is the plural wife of Mr. F, is that correct?

Mrs. A. Yes.

Mr. CHUMBRIS. Mrs. L is married to Mr. L, is that right?

Mrs. A. Yes.

Mr. CHUMBRIS. Her husband does not have a plural wife, is that right.

Mrs. A. Not that I know of.

Mr. CHUMBRIS. Mrs. M is married, and you cannot remember the first name of her husband, is that right?

Mrs. A. I cannot remember.

Mr. CHUMBRIS. And her husband has a plural wife by the name of Mrs. M2; is that correct?

Mrs. A. Yes.

Mr. CHUMBRIS. And they have two children?

Mrs. A. I don't know how many they have got.

Mr. CHUMBRIS. Has Mrs. M2 ever told you that Mr. L, the husband of Mrs. M, is her husband?

Mrs. A. No, I have never talked to her.

Mr. CHUMBRIS. You have never talked to her about that?

Mrs. A. No.

Mr. CHUMBRIS. But it is your impression that she is the plural wife of Mrs. M's husband, right?

Mrs. A. I guess.

Mr. CHUMBRIS. And Mrs. F, we have mentioned her. She is F2's sister?

Mrs. A. Yes.

Mr. CHUMBRIS. Now, other than the people that we have mentioned here, are there any of these women who are the plural wives of any

men living in Short Creek who have ever told you that their husbands had other wives than these women? Do you understand my question?

Mrs. A. What is it?

Mr. CHUMBRIS. I have just given you a list of names of women, other than in Short Creek—there are other women, is that correct?

Mrs. A. Yes.

Senator LANGER. Have her name the women.

Mrs. A. I cannot name them all.

Mr. CHUMBRIS. You don't know them all?

Mrs. A. No.

Mr. CHUMBRIS. Could you give us the name of any women who have told you personally that their husbands have wives other than these women you are going to name?

Mrs. A. There haven't ever been any.

Mr. CHUMBRIS. These women have not?

Mrs. A. Well, you see, you figure it is none of your business. They don't come and tell you.

Mr. CHUMBRIS. They don't come and tell you?

Mrs. A. Of course not.

Mr. CHUMBRIS. They wouldn't sit around at a tea party, and the women mention that their husbands did this and that, and you also know they have a legal wife?

Mrs. A. They don't ever mention things like that.

Mr. CHUMBRIS. Under your religion there is nothing wrong with that, so it would not be out of the ordinary, would it?

Mrs. A. We just don't talk about that, it is just nobody's business but the person concerned.

Mr. CAINE. Mrs. A, you were present in Short Creek on July 26, 1953, when the so-called raid was made?

Mrs. A. Yes.

Mr. CAINE. Where have you resided since that raid?

Mrs. A. Where have I resided?

Mr. CAINE. Yes.

(No response.)

Mr. CAINE. Has it been right here in Short Creek all the time?

Mrs. A. Yes.

Mr. CAINE. Have you been here constantly since then?

Mrs. A. Yes.

Mr. CAINE. It is a fact that practically all of the families were removed from Short Creek right after that raid, isn't that correct?

Mrs. A. Yes.

Mr. CAINE. How many families, then, were left here in Short Creek, to your knowledge?

Mrs. A. On the Utah side, too?

Mr. CAINE. Yes, on the Utah side, too.

Mrs. A. I don't imagine there was over 20 families left.

Mr. CAINE. Twenty families?

Mrs. A. Yes.

Mr. CAINE. And the husbands of the wives were removed to the Phoenix area—the husbands of the wives who were removed to the Phoenix area, they remained here, too, did they not?

Mrs. A. The husbands?

Mr. CAINE. Yes.

Mrs. A. Yes.

Mr. CAINE. And during this period of time since the raid, and up to the time the mothers and the children returned, which was what, some 35, 40, or 60 days ago?

Mrs. A. Yes.

Mr. CAINE. Well, now, from the time of the raid until the time of their return, did you have occasion to see the husbands around the community?

Mrs. A. Once in a while.

Mr. CAINE. And did you see Mr. F?

Mrs. A. Yes.

Mr. CHUMBRIS. Was his family down around Phoenix?

Mrs. A. Yes.

Mr. CHUMBRIS. How often would you see Mr. F here?

Mrs. A. Just once in a while.

Mr. CHUMBRIS. Now, of these people that we have mentioned, did they leave Short Creek after the raid took place, some of them?

Mrs. A. Yes.

Mr. CHUMBRIS. Would you please state in detail now, since they have been released and since the children have been released by the court in Arizona, what has transpired? Have the children come back here to Short Creek?

Mrs. A. I imagine they came back with their mothers.

Mr. CHUMBRIS. And the mothers are here, too; is that right?

Mrs. A. Yes.

Mr. CHUMBRIS. And are those mothers still living with their husbands?

Mrs. A. What do you mean?

Mr. CHUMBRIS. Well, let's say for instance, is Mrs. H2 one of those who was arrested?

Mrs. A. No.

Mr. CHUMBRIS. Was Mr. H arrested?

Mrs. A. No. He was arrested, but —

Mr. CHUMBRIS. What happened?

Mrs. A. They took him down to jail for a week, but that was all.

Mr. CHUMBRIS. Did they take their children, did the authorities take the children of Mr. H and Mrs. H2?

Mrs. A. No.

Mr. CHUMBRIS. Did the authorities take any of the children of Mrs. J and Mrs. J2?

Mrs. A. Oh, Mrs. J2?

Mr. CHUMBRIS. Yes.

Mrs. A. Yes, she was down in Phoenix.

Mr. CHUMBRIS. And they took her children also; is that correct?

Mrs. A. Yes.

Mr. CHUMBRIS. How old did you say Mrs. J2 was?

Mrs. A. She is in her thirties.

Mr. CHUMBRIS. Is Mrs. J2 back in town?

Mrs. A. She does not live here.

Mr. CHUMBRIS. Where does she live?

Mrs. A. Over in Fredonia.

Mr. CHUMBRIS. Does she live with Mr. J there?

Mrs. A. No, not that I know of.

Mr. CHUMBRIS. Where are the children now?

Mrs. A. They are in Fredonia.

Mr. CHUMBRIS. In Fredonia with her?

Mrs. A. Yes.

Mr. CHUMBRIS. Is Mrs. J2 still the plural wife of Mr. J?

Mrs. A. I guess.

Mr. CHUMBRIS. You guess?

Mrs. A. Yes.

Mr. CHUMBRIS. They went right back to the same activities as it was before the raid; is that correct?

Mrs. A. I don't know. I mean, I just naturally think it.

Mr. CHUMBRIS. And the children, you say, are with her?

Mrs. A. Yes.

Mr. CHUMBRIS. Who is taking care of the children?

Mrs. A. What?

Mr. CHUMBRIS. Who is taking care of the children?

Mrs. A. Their mother, of course.

Mr. CHUMBRIS. Mrs. J2?

Mrs. A. Yes.

Mr. CHUMBRIS. What type of work does she do?

Mrs. A. I don't know.

Mr. CHUMBRIS. Who supports those seven children?

Mrs. A. I don't know. I just imagine Mr. J does.

Mr. CHUMBRIS. Who does?

Mrs. A. I just imagine their father does.

Mr. CHUMBRIS. That is Mr. J?

Mrs. A. Yes.

Mr. CHUMBRIS. And he lives here at Short Creek?

Mrs. A. Yes.

Mr. CHUMBRIS. Where does Mrs. J2 live?

Mrs. A. Across the creek on the Utah side.

Mr. CHUMBRIS. Does she have her children with her?

Mrs. A. Yes.

Mr. CHUMBRIS. She is still the plural wife of Mr. J?

Mrs. A. I guess.

Mr. CHUMBRIS. She is doing the same thing she did prior to the arrest and raid, is that right?

Mrs. A. I don't know. I don't know if they have changed or not.

Mr. CHUMBRIS. Well, let us take Mrs. K2. Was she arrested?

Mrs. A. No.

Mr. CHUMBRIS. Was Mr. K arrested?

Mrs. A. No.

Mr. CHUMBRIS. He was not?

Mrs. A. No.

Mr. CHUMBRIS. How about Mrs. L2 who lives with Mr. L who is the plural wife of Mr. L. They have two children; is that correct?

Mrs. A. I guess.

Mr. CHUMBRIS. Were they taken down to Phoenix?

Mrs. A. Not that I know of.

Mr. CHUMBRIS. How many children were taken to Phoenix that you know of?

Mrs. A. They say there was about 200 of them, I guess.

Mr. CHUMBRIS. And how many parents were taken down there, also arrested and taken before the court?

Mrs. A. I don't know.

Mr. CHUMBRIS. How many of the mothers of those 200 children were taken to Phoenix?

Mrs. A. They said there was about 50 of them, I guess. I don't know.

Mr. CHUMBRIS. Are those 50 mothers back here now?

Mrs. A. No.

Mr. CHUMBRIS. Where are they?

Mrs. A. Some of them are still down there?

Mrs. CHUMBRIS. Are the children still down there, too?

Mrs. A. Yes.

Mr. CHUMBRIS. Down in Phoenix?

Mrs. A. Yes.

Mr. CHUMBRIS. Who is taking care of them, that you know of?

Mrs. A. I don't know.

Mr. CHUMBRIS. Are their husbands here or down in Phoenix—the husbands of these 50 women that you mentioned?

Mrs. A. I guess they are here.

Mr. CHUMBRIS. They are here?

Mrs. A. Yes.

Mr. CHUMBRIS. What are those women doing down in Phoenix, do you know?

Mrs. A. No.

Mr. CHUMBRIS. Are they working there?

Mrs. A. I don't know. I haven't heard anything about it.

Mr. CHUMBRIS. But so far as you know, Mrs. H2 and Mrs. J2 and Mrs. J3 are continuing to be the plural wives of Mr. H, so far as Mrs. H2 is concerned, and Mrs. J, so far as Mrs. J2 and Mrs. J3 are concerned, is that correct?

Mrs. A. I wouldn't say they were, but I haven't heard anything.

Mr. CHUMBRIS. You haven't heard anything to the contrary, is that right?

Mrs. A. Yes.

Mr. CHUMBRIS. So, so far as you know, they are still plural wives?

Mrs. A. I guess.

Mr. CHUMBRIS. And they continue to practice living as plural wives of these men that I mentioned, is that correct?

Mrs. A. I guess.

Mr. CHUMBRIS. Now, do you know of any knowledge whether the parents of the children teach their children that the practice of plural marriages is legal and proper?

Mrs. A. I don't know.

Mr. CHUMBRIS. Do they teach it in school or in Sunday school or services?

Mrs. A. I don't think so.

Mr. CHUMBRIS. How do they teach it? A while ago you said you couldn't explain where you learned it. You must have learned it somewhere. Let me get back to the question of meetings. Do you have meetings here?

Mrs. A. Yes.

Mr. CHUMBRIS. What kind of meetings do you have?

Mrs. A. We have Sunday school and mutual.

Mr. CHUMBRIS. Do you have adult meetings also?

Mrs. A. Yes.

MR. CHUMBRIS. At the adult meetings does anyone who takes over the meeting discuss the question of plural marriages?

Mrs. A. I have never heard it discussed.

MR. CHUMBRIS. You never have?

Mrs. A. No.

MR. CHUMBRIS. Have you ever heard it discussed in Sunday school with the children?

Mrs. A. No.

MR. CHUMBRIS. You are sure you don't have any information as to how the children learned the practice of plural marriages?

Mrs. A. Just by example, I guess.

MR. CHUMBRIS. By example?

Mrs. A. Yes.

MR. CHUMBRIS. Could you tell me whether any plural wife has had a child since the raid and arrests?

Mrs. A. Oh, they had some when they went down to Phoenix.

MR. CHUMBRIS. But after they came back, do you know whether they have had any children since then?

Mrs. A. Not that I know of.

MR. CHUMBRIS. Do you know whether any of the plural wives, since they have come back, have become pregnant?

Mrs. A. I don't know anything about it.

MR. CHUMBRIS. You wouldn't know that?

Mrs. A. No.

MR. CHUMBRIS. Is it possible that they may have?

Mrs. A. I don't know.

MR. CAINE. Mrs. A, you say that the children learn polygamy and the principle of polygamy by example. Now, then, if your parents were not polygamists, you did not learn it by example yourself, then, did you?

Mrs. A. No.

MR. CAINE. You say that you did not learn the principle of polygamy in church or in school, is that correct?

Mrs. A. Yes, sir.

MR. CAINE. Will you tell us where you did learn about polygamy?

Mrs. A. I just studied on it.

MR. CAINE. Who furnished you the material to study?

Mrs. A. The Doctrine and Covenants.

MR. CAINE. The doctrine and covenants that you refer to, those are published by the Mormon Church, being the Church of Jesus Christ of the Latter Day Saints in Salt Lake City, is that right?

Mrs. A. Yes.

MR. CAINE. And that is a document published by the church to which you do not belong, is that correct?

Mrs. A. Yes.

MR. CAINE. Well, as a matter of fact, they have pronounced the principle of polygamy by the Manifesto of 1890, have they not?

Mrs. A. Yes.

MR. CAINE. Do you maintain that you still find in the doctrine and covenants, then, the teaching of polygamy?

Mrs. A. It is still in there.

MR. CAINE. In the doctrine and covenants published by the church in Salt Lake City?

Mrs. A. Yes, they publish it.

Mr. CAINE. Did you learn the principle of polygamy through any other source than the doctrine and covenants?

Mrs. A. You can read most any of the church books, and you can read about it.

Mr. CAINE. Who furnished you with those books?

Mrs. A. You can get them most anywhere.

Mr. CAINE. I asked you who furnished you those books.

Mrs. A. I don't know. My parents had a Bible, the book of Mormon, and the doctrine and covenants in their home.

Mr. CAINE. Now, since the families' return from the area of Phoenix and Mesa and Tempe here in the last 60 days, have there been any other people who have moved into this area, from such places as Colorado?

Mrs. A. Yes.

Mr. CAINE. What is their faith, the same as yours?

Mrs. A. I guess.

Mr. CAINE. About how many would that be?

Mrs. A. What?

Mr. CAINE. How many would that be that have come in from Colorado?

Mrs. A. I don't know. I don't know them very well.

Mr. CAINE. How many people do you think have come in from Colorado?

Mrs. A. There was two families, I don't know how many children.

Mr. CAINE. Have any come in from Idaho?

Mrs. A. Not that I know of.

Mr. CAINE. Have any of them come in from Canada?

Mrs. A. I don't know.

Mr. CAINE. But you do know that people have come in from Colorado?

Mrs. A. Yes.

Mr. CAINE. Do you know their names?

Mrs. A. All I know is that their name is Roundeis.

Mr. CAINE. Is that spelled R-o-u-n-d-i-e-s?

(No response.)

Mr. CAINE. Or something like that?

Mrs. A. I don't know.

Mr. CAINE. And they are believers in the same faith you are, is that correct?

Mrs. A. I guess.

Mr. CAINE. Do you know Mr. O, a man about fifty-some years of age?

Mrs. A. Yes, I know him.

Mr. CAINE. He is considered one of the leaders of your movement here, isn't he?

Mrs. A. Not that I know of?

Mr. CAINE. But you do know him?

Mrs. A. Yes.

Mr. CAINE. And you know that he has plural wives, too, do you not?

Mrs. A. Yes.

Mr. CAINE. And those plural wives have returned to this area, have they?

Mrs. A. Just one.

Mr. CAINE. Just one plural wife?

Mrs. A. Yes.

Mr. CAINE. And she is living with him, is she not?

Mrs. A. Yes.

Mr. CAINE. And do you know Mr. P?

Mrs. A. Yes.

Mr. CAINE. And does he have plural wives?

Mrs. A. Yes.

Mr. CAINE. And those plural wives have returned to this area within the past 60 days, have they not?

Mrs. A. They were never taken away.

Mr. CAINE. Has he continued to live with his plural wives?

Mrs. A. I don't know.

Mr. CAINE. Do you know Mr. H, the schoolteacher?

Mrs. A. Yes.

Mr. CAINE. And his family and children and plural wives, some of them, were removed to the Phoenix-Tempe-Mesa area, were they not?

Mrs. A. Yes.

Mr. CAINE. And they have returned here now?

Mrs. A. Yes.

Mr. CAINE. Is he again living with his plural wives?

Mrs. A. I don't know.

Mr. CAINE. Have you had occasion to observe that?

Mrs. A. I have not been around much since they are back.

Mr. CAINE. Is he your husband's brother?

Mrs. A. Yes.

Mr. CHUMBRIS. They are continuing to practice like they did before, you have indicated that?

Mrs. A. I guess they are, but I don't know for sure.

Mr. CHUMBRIS. There has been nothing to indicate that there has been a change?

Mrs. A. Not that I know of.

Mr. CHUMBRIS. So far as you know, the same program that went on previous to the raid is continuing on now, is that right?

Mrs. A. I guess.

Mr. CAINE. How about Mr. Q, do you know him?

Mrs. A. Slightly.

Mr. CAINE. Do you know his family?

Mrs. A. Yes.

Mr. CAINE. He had plural wives, did he not?

Mrs. A. Yes.

Mr. CAINE. And they were removed to the Phoenix-Temple-Mesa area?

Mrs. A. No.

Mr. CAINE. They remained here?

Mrs. A. Yes.

Mr. CAINE. Has he continued to live with his plural wives?

Mrs. A. I guess.

Mr. CAINE. Mr. R, do you know him?

Mrs. A. Yes.

Mr. CAINE. Were any of his family or children moved to the Phoenix-Tempe-Mesa area?

Mrs. A. Yes.

Mr. CAINE. He has plural wives, too?

Mrs. A. Yes.

Mr. CAINE. And he has resumed living with his plural wives?

Mrs. A. I don't know.

Mr. CHUMBRIS. When you say "I guess," that means that you mean "yes," doesn't it?

Mrs. A. Yes.

Mr. CHUMBRIS. So wherever you said "I guess," you want the record to show that you mean "Yes," don't you?

(No response.)

Mr. CHUMBRIS. Don't nod your head. This man has to put down the exact words that you say.

Mrs. A. Yes.

Mr. CAINE. One final question so far as I am concerned: Have you lived here enough to know Mr. K, Mrs. K, and Mrs. K2, and the fact that there were some divorces in that family? Have you ever heard about that?

Mrs. A. Yes, I heard about it.

Mr. CHUMBRIS. Did you say you heard about it?

Mrs. A. Yes.

Mr. CAINE. Just on the basis of what you heard, did you hear that originally Mrs. K2 was his legal wife, and he divorced her?

Mrs. A. Yes.

Mr. CAINE. You have heard that?

Mrs. A. Yes.

Mr. CAINE. And prior to the time he divorced Mrs. K2, that Mrs. K was his plural wife, did you hear that?

Mrs. A. Yes.

Mr. CAINE. And then he divorced Mrs. K2 and made Mrs. K his legal wife, is that not correct?

Mrs. A. Yes.

Mr. CAINE. And he took Mrs. K2 as his plural wife, is that correct?

Mrs. A. That is what I heard.

Mr. CAINE. That is a rather odd situation, is it not?

Mrs. A. Yes.

Mr. CHUMBRIS. Isn't it true that Mrs. H2, the plural wife of Mr. H, has had a child since the raid?

Mrs. A. Not that I know of.

Mr. CHUMBRIS. Not that you know of?

Mrs. A. No.

Mr. CHUMBRIS. And you are certain that none of the plural wives have become pregnant since the raid took place?

Mrs. A. I don't know of any.

Mr. CHUMBRIS. You don't know of any?

Mrs. A. No.

Mr. CHUMBRIS. Have you heard whether any might have become pregnant since then?

Mrs. A. No, I haven't heard of any.

Mr. CAINE. Do any of them appear to be pregnant?

Mrs. A. No.

Mr. CAINE. You would know, having had two children?

Mrs. A. I think I would, yes.

Mr. CHUMBRIS. That is all I have.

Senator LANGER. Would you have any objection to your husband taking a plural wife?

Mrs. A. I don't think so.

Mr. CHUMBRIS. Why hasn't your husband taken a plural wife?

Mrs. A. I don't know.

Mr. CHUMBRIS. His brothers have taken plural wives, haven't they?

Mrs. A. Yes, some of them.

Mr. CHUMBRIS. But you are sure that your husband has not taken one?

Mrs. A. I am quite sure he has not.

Mr. CAINE. Would you welcome a plural wife into your home and live with her under the same roof?

Mrs. A. I think so.

Mr. CAINE. And you would have no objections to your husband having children by the plural wife, or the plural wife having children by your husband, rather?

Mrs. A. No.

Mr. CAINE. Do you expect to teach your children the practice of plural wives?

Mrs. A. I think so.

Mr. CAINE. Would your husband also teach the children the practice of plural wives?

Mrs. A. I don't know.

Mr. CAINE. But you would?

Mrs. A. Well, I might not outright and tell them about it, but they would no doubt find out about it sometime.

Mr. CAINE. And you would not discourage them?

Mrs. A. No.

Mr. CAINE. In spite of the fact that you know it is against the law in Utah, that much you are satisfied of?

Mrs. A. That is right.

Mr. CAINE. And you would still teach your children or permit them to be taught the principles of plural marriage?

Mrs. A. I guess I would have to say, that I would have to wait and see.

Mr. CAINE. But you think you would?

Mrs. A. Yes.

Mr. CAINE. If you were satisfied it was against the law of Arizona, you would still allow them to be taught the plural marriage practice in Arizona?

Mrs. A. I imagine. I don't know.

Senator LANGER. Call your next witness. Thank you very much.

Mr. CHUMBRIS. I might say to you, Mrs. A. that you are instructed that you are not to discuss any of the testimony that you have given here with any of the people outside who may be witnesses. Do you understand that?

Mrs. A. Yes.

Mr. CHUMBRIS. That is all.

Senator LANGER. Call your next witness.

Mr. CHUMBRIS. I would like to have Mrs. A. back for some more questioning.

Senator LANGER. Very well.

Mr. CHUMBRIS. Do you know Mr. S?

Mrs. A. Yes.

Mr. CHUMBRIS. And do you know that Mr. S and T are living together?

Mrs. A. I know they are not.

Mr. CHUMBRIS. You know they are not?

Mrs. A. Yes.

Mr. CHUMBRIS. Is Mr. S related to you by marriage?

Mrs. A. He is my brother-in-law.

Mr. CHUMBRIS. He is your brother-in-law?

Mrs. A. Yes.

Mr. CHUMBRIS. And do you know where they are living?

Mrs. A. Who?

Mr. CHUMBRIS. Mr. S.

Mrs. A. Mr. S is living here.

Mr. CHUMBRIS. Where is T living?

Mrs. A. In California.

Mr. CHUMBRIS. What is her full name?

Mrs. A. She is in California, that is all I know about it.

Mr. CHUMBRIS. That is all.

Senator LANGER. All right. Call in your next witness. I suggest that you call Mrs. F2.

Mr. CHUMBRIS. Mrs. F2.

Senator LANGER. Will you raise your right hand and be sworn, please.

Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. F2. I do.

**TESTIMONY OF MRS. F2, 17-YEAR-OLD PLURAL WIFE OF MR. F,
SHORT CREEK, ARIZ.**

Mr. CHUMBRIS. Will you give your full name.

Mrs. F2. ————.

Mr. CHUMBRIS. And your address?

Mrs. F2. Short Creek.

Mr. CHUMBRIS. Do you have a box number?

Mrs. F2. No.

Mr. CHUMBRIS. Where do you live—or, rather, I mean, what do you do?

Mrs. F2. Before I answer, I would like to have our attorney present.

Mr. CHUMBRIS. Who is your attorney?

Mrs. F2. What?

Mr. CHUMBRIS. What is your attorney's name?

Mrs. F2. Aaron Kenney, I think.

Mr. CHUMBRIS. Kenney?

Mrs. F2. I think.

Mr. CHUMBRIS. Where does he have his offices?

Mrs. F2. In Mesa—down at Phoenix.

Mr. CHUMBRIS. Where?

Mrs. F2. Phoenix, I think.

Mr. CHUMBRIS. Have you advised him to be here?

(No response.)

Mr. CHUMBRIS. I would like to instruct you that you are appearing before the United States Subcommittee To Investigate Juvenile Delinquency, and that we have had hearings in Phoenix with witnesses who testified as to what went on here in Short Creek. As the result

of the testimony obtained in Phoenix we are having a hearing here this morning. You understand you are under oath?

Mrs. F2. Yes.

Mr. CHUMBRIS. And you understand that you are directed to answer all of the questions put to you? This is a subcommittee hearing. It is not a court trial.

Senator LANGER. You can tell her that there won't be any questions which involve her personally.

Mr. CHUMBRIS. And the Senator says that there will be no questions that will involve you personally, but we do want to get information from you.

Do you understand?

Mrs. F2. Yes.

Mr. CHUMBRIS. Where were you born?

Mrs. F2. I don't know.

Mr. CHUMBRIS. Don't you know where you were born?

Mrs. F2. No.

Mr. CHUMBRIS. How old are you?

Mrs. F2. I don't know.

Mr. CHUMBRIS. You say you don't know?

Mrs. F2. No.

Mr. CHUMBRIS. You don't know how old you are?

Mrs. F2. No.

Mr. CHUMBRIS. Were you born in Utah?

(No response.)

Senator LANGER. I am afraid, young lady, that you will have to answer these questions.

Mrs. F2. Don't we have a right to have an attorney?

Mr. CHUMBRIS. What is that?

Mrs. F2. Don't we have a right to have an attorney?

Mr. CHUMBRIS. This is not a court proceeding. This is not a case where you are on trial. This is an investigative hearing of the United States Senate. We ask you questions and you must answer those questions. If you refuse to answer those questions, then you are subject to contempt proceedings by the United States Senate, at which time you may face trial for contempt of the United States Senate.

I would like to advise you as to that one particular point. This is not a court trial where you can demand an attorney, or where you can demand certain rights. This is a hearing. You are not on trial; we are trying to learn information as to certain conditions which exist in Short Creek. You personally are not on trial, nor is anyone else in Short Creek on trial. We are just trying to learn the facts, and on that basis you do not have a legal right to have an attorney.

It depends upon whether the subcommittee wishes to allow you to have one, or whether it wishes to have a hearing without an attorney being present. Since you do not have an attorney here, and your attorney is in Phoenix, and it is impossible for him to get here in time so that we may conduct this hearing today, the Senator has directed you to answer all of these questions.

So will you please tell me where you were born.

Mrs. F2. I don't know.

Mr. CHUMBRIS. You don't know where you were born?

Mrs. F2. No.

Mr. CHUMBRIS. Were you born in the United States?

Mrs. F2. Yes.

Mr. CHUMBRIS. Were you born in Utah?

Mrs. F2. I don't know.

Mr. CHUMBRIS. How old are you?

Mrs. F2. Seventeen.

Mr. CHUMBRIS. Seventeen?

Mrs. F2. Yes.

Mr. CHUMBRIS. Will you give the names of your mother and father, please?

Mrs. F2. They have them a thousand times.

Mr. CHUMBRIS. Will you give me the names of your mother and father, please?

Mrs. F2. Mr. and Mrs. J.

Mr. CHUMBRIS. Mr. and Mrs. J.

Mrs. F2. They have them all the time.

Mr. CHUMBRIS. Mr. and Mrs. J. are your mother and father?

Mrs. F2. Yes.

Mr. CHUMBRIS. How old is Mr. J?

Mrs. F2. I don't know.

Mr. CHUMBRIS. How old would you say? Is he 50?

Mrs. F2. No, I wouldn't say he was 50.

Mr. CHUMBRIS. Is he about 40?

Mrs. F2. He is older than that. I don't know exactly.

Mr. CHUMBRIS. Between 40 and 50?

Mrs. F2. I imagine.

Mr. CHUMBRIS. How old is Mrs. J?

Mrs. F2. Somewhere around the same.

Mr. CHUMBRIS. Now, does Mr. J. have about seven children?

Mrs. F2. No.

Mr. CHUMBRIS. How many?

Mrs. F2. I don't know exactly.

Mr. CHUMBRIS. Now, is Mrs. J3 your mother?

Mrs. F2. Mrs. J3?

Mr. CHUMBRIS. Yes, Mrs. J3.

Mrs. F2. No.

Mr. CHUMBRIS. Do you know Mrs. J3?

Mrs. F2. No.

Mr. CHUMBRIS. You don't know her?

Mrs. F2. Maybe—I don't know her, but——

Mr. CHUMBRIS. But Mrs. J is your mother, is that right?

Mrs. F2. Yes.

Mr. CHUMBRIS. You don't know whether Mrs. J3 is the plural wife of Mr. J, your father?

Mrs. F2. I don't know.

Mr. CHUMBRIS. You don't know of your own knowledge?

Mrs. F2. I don't know.

Mr. CHUMBRIS. Do you know whether there was an arrest some time ago, when Mr. J was arrested, your father?

Mrs. F2. I know that, of course.

Mr. CHUMBRIS. Do you know whether Mrs. J3 was also arrested?

Mrs. F2. I don't know.

Mr. CHUMBRIS. You don't know that?

Mrs. F2. No.

Mr. CHUMBRIS. How many children are there between Mr. J, as father, and Mrs. J, as mother?

Mrs. F2. Oh, I don't know. I haven't counted them.

Mr. CHUMBRIS. Don't you know how many brothers, and sisters you have?

Mrs. F2. About 11—10.

Mr. CHUMBRIS. Ten or eleven?

Mrs. F2. Yes.

Mr. CHUMBRIS. Do you know whether you have any stepbrothers or stepsisters?

Mrs. F2. I don't know.

Mr. CHUMBRIS. You don't know?

Mrs. F2. No.

Mr. CHUMBRIS. But you say you do know Mrs. J3, though?

Mrs. F2. Well, I know everybody here.

Mr. CHUMBRIS. You know everybody in this town; don't you?

Mrs. F2. Yes; I know them by their names.

Mr. CHUMBRIS. How long have you been living in Short Creek?

Mrs. F2. Oh, all my life, I guess.

Mr. CHUMBRIS. Do you know whether Mrs. J3 has seven children?

Mrs. F2. I don't know.

Mr. CHUMBRIS. Where does Mrs. J3 live?

Mrs. F2. I don't know that, either.

Senator LANGER. You don't know where she lives? Is that right? You are under oath, and you mean to say you don't know where this lady lives here?

Mrs. F2. Well, she lives across the creek, I guess.

Senator LANGER. Stop your laughing, young lady, and answer that question.

Ask it again, Mr. Chumbris.

Mr. CHUMBRIS. Do you know where Mrs. J3 lives?

Mrs. F2. In Utah, I guess.

Mr. CHUMBRIS. In Utah?

Mrs. F2. Yes.

Mr. CHUMBRIS. Right across the border?

Mrs. F2. Yes, well——

Mr. CHUMBRIS. How many children does she have?

Mrs. F2. I don't know, really.

Mr. CHUMBRIS. Is it possible that she has seven children? If I said she has seven children; would you say that is about correct?

Mrs. F2. Yes; it is possible.

Mr. CHUMBRIS. And you do know that she is the plural wife of Mr. J, your father?

Mrs. F2. Well, I don't know.

Mr. CHUMBRIS. You have heard people say that she is, haven't you?

Mrs. F2. Yes.

Mr. CHUMBRIS. When you said yes—is that what you said?

Mrs. F2. Yes; I have heard people say that—gossip.

Mr. CHUMBRIS. Do you know Mr. G?

Mrs. F2. Yes.

Mr. CHUMBRIS. Do you know if Mrs. G is his wife?

Mrs. F2. Yes; I think so.

Mr. CHUMBRIS. Do they have any children?

Mrs. F2. Two or three.

Mr. CHUMBRIS. Do you know Mrs. G?

Mrs. F2. I don't know. I might have seen her. I don't know her too well.

Mr. CHUMBRIS. You don't know her too well?

Mrs. F2. No.

Mr. CHUMBRIS. Do you know if she is 18 years old? Would that help your recollection, if I told you that she was a girl about 18 years old?

Mrs. F2. Well, I think I know her but——

Mr. CHUMBRIS. Isn't it true that she is also known as the plural wife of Mr. G?

Mrs. F2. I don't know that.

Mr. CHUMBRIS. Haven't you heard anybody mention the fact that she is the plural wife of Mr. G?

Mrs. F2. I just don't know. I don't go around asking, I don't know.

Mr. CHUMBRIS. Do you know Mr. F?

Mrs. F2. Yes.

Mr. CHUMBRIS. And you are the wife of Mr. F?

Mrs. F2. So they say. I was turned back to my parents.

Mr. CHUMBRIS. Who turned you back to your parents?

Mrs. F2. Judge Anderson, when they turned us loose.

Mr. CHUMBRIS. When the juvenile court turned you loose they turned you back to your parents; is that correct?

Mrs. F2. Yes.

Mr. CHUMBRIS. When was that that they turned you back to your parents?

Mrs. F2. When they turned us loose.

Mr. CHUMBRIS. How long ago was that?

Mrs. F2. I don't know.

Mr. CHUMBRIS. Has it been a month, 2 months? Don't you know when they——

Mrs. F2. Don't you know when they released us?

Mr. CHUMBRIS. We are from Washington. We are not from Arizona. We would like to have you tell us.

Mrs. F2. It was just 2 or 3 months ago, maybe not quite that long.

Mr. CHUMBRIS. And you are living with your mother and father now?

Mrs. F2. Yes.

Mr. CHUMBRIS. And you live next door to Mrs. A; is that right?

Mrs. F2. Yes.

Mr. CHUMBRIS. You are still the plural wife of Mr. F, aren't you?

Mrs. F2. Well, I guess, but they say I can't live with him.

Mr. CHUMBRIS. Are you still living with him?

Mrs. F2. No.

Mr. CHUMBRIS. Have you seen him since you have been back?

Mrs. F2. I see him on the street.

Mr. CHUMBRIS. Have you been with him at all?

Mrs. F2. No.

Mr. CHUMBRIS. You have never been in the same room with him?

Mrs. F2. Oh, in Sunday school, or something.

Mr. CHUMBRIS. Have you gone to bed with him?

Mrs. F2. No.

Mr. CHUMBRIS. Are you sure?

Mrs. F2. Yes.

Listen, I have a sick baby home. I would sure like to get home to her.

Mr. CHUMBRIS. How old is the baby?

Mrs. F2. 17 months.

Mr. CHUMBRIS. Is that Mr. F who is father of that baby?

Mrs. F2. Yes.

Mr. CHUMBRIS. Now, did anyone outside tell you not to testify here this morning?

Mrs. F2. No; not to testify, did you say?

Mr. CHUMBRIS. Yes; not to appear this morning.

Mrs. F2. No.

Mr. CHUMBRIS. Who told you not to say anything until your lawyer came?

Mrs. F2. Well, we just figured that we ought to have some legal rights.

Senator LANGER. Let's get at the facts, Mr. Chumbris.

Mr. CHUMBRIS. Do you know Mrs. M?

Mrs. F2. Yes.

Mr. CHUMBRIS. And do you know her husband?

Mrs. F2. I think so.

Mr. CHUMBRIS. Do you know whether he has a plural wife by the name of Mrs. M2?

Mrs. F2. I don't know.

Mr. CHUMBRIS. Do they have two children?

Mrs. M2. I don't know them too well.

Mr. CHUMBRIS. You don't know them too well?

Mrs. F2. No.

Mr. CHUMBRIS. Do you know Mrs. K?

Mrs. F2. Yes; she is a friend.

Mr. CHUMBRIS. Do you know her husband, Mr. K?

Mrs. F2. Yes; I see him.

Mr. CHUMBRIS. Do you know Mrs. K2?

Mrs. F2. Yes.

Mr. CHUMBRIS. Was Mrs. K2 formerly the legal wife of Mr. K?

Mrs. F2. I don't know.

Mr. CHUMBRIS. Do you know whether she is the plural wife of Mr. K now?

Mrs. F2. I don't know that, either?

Mr. CHUMBRIS. Do you know Mrs. K?

Mrs. F2. Yes; I know her.

Mr. CHUMBRIS. Do you know whether she is the legal wife of Mr. K?

Mrs. F2. I don't know.

Mr. CHUMBRIS. Now, I will have to express again the chairman's direction to you that you answer all questions fully, that you are under oath, and that by saying, "I don't know" when you do know, is not answering a question fully or truthfully.

Mrs. F2. Well, I don't know.

Mr. CHUMBRIS. Where were you married to Mr. F?

Mrs. F2. I can't remember.

Mr. CHUMBRIS. What?

Mrs. F2. I can't remember.

Mr. CHUMBRIS. What?

Mrs. F2. I can't remember.

Mr. CHUMBRIS. Was it here in Arizona or was it in Utah?

Mrs. F2. I thought you weren't going to ask any personal questions.

Senator LANGER. What was that answer?

Mr. CHUMBRIS. She said that she thought we were not going to ask her any personal questions.

Asking you where you got married, would you consider that a personal question?

Mrs. F2. Yes.

Mr. CHUMBRIS. You are married to Mr. F, aren't you?

Mrs. F2. Well, I believe I am.

Mr. CHUMBRIS. And you have a child by Mr. F?

Mrs. F2. Yes.

Mr. CHUMBRIS. Was the marriage performed by a minister or by the head of your church?

(No response.)

Mr. CHUMBRIS. Could you answer that?

(No response.)

Mr. CHUMBRIS. Did you have a ceremony?

Mrs. F2. Yes.

Mr. CHUMBRIS. A marriage ceremony?

Mrs. F2. Yes.

Mr. CHUMBRIS. Where did it take place?

Mrs. F2. I don't know. I can't remember.

Mr. CHUMBRIS. Was it near here?

Senator LANGER. What was that answer?

Mr. CHUMBRIS. She has not answered as yet.

Did the marriage ceremony take place near here?

(No response.)

Mr. CHUMBRIS. What is your answer?

Mrs. F2. How many more questions have you got? I have got to go home. I have got a sick baby.

Mr. CHUMBRIS. If you will answer these in a hurry, I think we will be able to finish with you in a short while. You are taking a long time between answering questions.

Did the marriage ceremony take place near here?

Mrs. F2. I don't know.

Mr. CHUMBRIS. Did it take place in Utah?

Mrs. F2. I don't know.

Mr. CHUMBRIS. How many people were at the marriage ceremony?

Mrs. F2. I don't remember.

Mr. CHUMBRIS. Were there 2 people, 5 people, 10 people?

(No response.)

Mr. CHUMBRIS. Who was there besides you and Mr. F?

(No response.)

Mr. CHUMBRIS. Are you going to answer that question or do you refuse to answer that question?

Mrs. F2. How can I refuse?

Mr. CHUMBRIS. Under the instruction from the chairman, you cannot refuse to answer any question we put to you.

I must repeat, this is not a trial, this is an investigation and hearing to determine the facts.

(No response.)

Mr. CHUMBRIS. Do you recall the ceremony?

Mrs. F2. I don't know.

Mr. CHUMBRIS. You did state earlier that there was a ceremony. That much you did answer, right?

Mrs. F2. Yes.

Mr. CHUMBRIS. Now, I ask you, who was there besides you and Mr. F?

(No response.)

Mr. CHUMBRIS. Well, you and Mr. F were there, weren't you?

Mrs. F2. I guess, I imagine.

Mr. CHUMBRIS. How many other people were there besides you and Mr. F?

Mrs. F2. I don't remember.

Senator LANGER. Ask her who some of the people were.

Mr. CHUMBRIS. Was Mrs. G there?

Mrs. F2. No.

Mr. CHUMBRIS. Was Mrs. H there?

Mrs. F2. No.

Mr. CHUMBRIS. Was Mrs. J there?

Mrs. F2. No.

Mr. CHUMBRIS. Was Mrs. K there?

Mrs. F2. No.

Mr. CHUMBRIS. Was Mrs. A there, the girl who is sitting in the audience there at this time?

Mrs. F2. No.

Mr. CHUMBRIS. Was Mrs. L there?

Mrs. F2. No.

Mr. CHUMBRIS. Mrs. M, was she there?

Mrs. F2. No.

Mr. CHUMBRIS. Was Mr. F there?

Mrs. F2. No.

Mr. CHUMBRIS. Mrs. F?

Mrs. F2. No.

Mr. CHUMBRIS. She is your sister, isn't she?

Mrs. F2. Yes; I guess.

Mr. CHUMBRIS. Isn't she?

Mrs. F2. Mrs. F?

Mr. CHUMBRIS. Mrs. F. Isn't she your sister?

Mrs. F2. Yes.

Mr. CHUMBRIS. Was she there at the ceremony?

Mrs. F2. I don't remember.

Mr. CHUMBRIS. Isn't Mrs. F the legal wife of Mr. F; isn't that correct?

Mrs. F2. I think so.

Mr. CHUMBRIS. And you are his plural wife, is that correct?

Mrs. F2. I guess.

Mr. CHUMBRIS. Are there any children born of Mrs. F and Mr. F?
(No response.)

Mr. CHUMBRIS. Do they have any children?

Mrs. F2. Yes.

Mr. CHUMBRIS. How many?

Mrs. F2. Two or three.

Mr. CHUMBRIS. Since you have been back, since the court has released you, have you observed any of these women who are plural wives of either Mr. G, Mr. H, Mr. J, Mr. K, Mr. L, Mr. F, who is

your husband—have any of these wives practiced polygamy, which means plural wives?

Mrs. F2. I don't know.

Mr. CHUMBRIS. Did any of these men?

Mrs. F2. I don't know.

Mr. CHUMBRIS. What was your answer to that question?

Mrs. F2. I don't know.

Mr. CHUMBRIS. Do you know if any children have been born of any of these plural wives with the men I have just mentioned, since you have been back?

Mrs. F2. I don't know.

Senator LANGER. Well, if she doesn't know, she doesn't know.

Mr. CHUMBRIS. They have been back a month or two, isn't that right?

Mrs. F2. That is all.

Please, can I go home? She is sick. I left her up there with my little sister.

Senator LANGER. We are interested in getting her attitude toward plural marriage herself.

Mr. CHUMBRIS. How do you feel about plural marriages?

If you will answer these questions we will let you go in a few minutes, but we have to get the facts. We came all the way from Washington for this hearing.

Senator LANGER. Yes, just give us your views on plural marriage, what they are.

Mrs. F2. Me, myself, I think they are true.

Mr. CHUMBRIS. What is that?

Mrs. F2. I know they are true.

Mr. CHUMBRIS. You believe that a man may have more than one wife, is that correct?

Mrs. F2. Yes.

Mr. CHUMBRIS. Where did you learn that?

Mrs. F2. Oh, I read it out of—I don't know, I just know.

Mr. CHUMBRIS. Do they preach that at the meetings?

Mrs. F2. No.

Mr. CHUMBRIS. Do they teach the children that?

Mrs. F2. No. I don't have to believe in it if I don't want to.

Mr. CHUMBRIS. Now, the belief is of the Mormon Church, the Latter Day Saints of Jesus Christ, they don't believe in polygamous marriages, do they?

Mrs. F2. Well—

Mr. CHUMBRIS. The ones who have their head in Salt Lake City?

Mrs. F2. They claim they do. But they claim it is not the time to live it.

Mr. CHUMBRIS. But they don't practice polygamous marriages?

(No response.)

Mr. CHUMBRIS. You know that the law of the State of Utah prohibits polygamous marriages? You do know that?

Mrs. F2. Yes, I guess.

Mr. CHUMBRIS. And you do know that the constitution of the State of Arizona prohibits polygamous marriages, is that correct?

Mrs. F2. I don't know too much about it.

Mr. CHUMBRIS. Would you teach your children about polygamous marriage?

Mrs. F2. No.

Mr. CHUMBRIS. You would not?

Mrs. F2. No.

Mr. CHUMBRIS. Why not?

Mrs. F2. If they want to live that way, I would just let them.

Mr. CHUMBRIS. Did your mother and father teach you that polygamous marriages were all right?

Mrs. F2. They did not.

Mr. CHUMBRIS. Your father, Mr. J, has practiced polygamous marriage, hasn't he?

Mrs. F2. I don't know. I guess.

I am just freezing.

Mr. CHUMBRIS. Do you know if V is also a plural wife of Mr. F?

Mrs. F2. I don't know.

Mr. CHUMBRIS. What is that?

Mrs. F2. I don't know.

Mr. CHUMBRIS. Do you know if they had any children together, V and Mr. F?

Mrs. F2. I guess they had one, but I haven't seen her since the raid.

Mr. CHUMBRIS. You have not seen her since the raid?

Mrs. F2. No.

Mr. CHUMBRIS. Is she back here in Short Creek?

Mrs. F2. I guess not.

Mr. CHUMBRIS. Do you know whether she is just across the line in Utah?

Mrs. F2. I don't know.

Mr. CHUMBRIS. Now, your baby is 17 months old, is that correct?

Mrs. F2. Yes.

Mr. CHUMBRIS. How old did you say you were?

Mrs. F2. Seventeen years.

Mr. CHUMBRIS. You are 17 years old?

Mrs. F2. Yes.

Mr. CHUMBRIS. And you did not say, though, where you were born, is that right?

Mrs. F2. No.

Mr. CHUMBRIS. Where were you born?

Mrs. F2. I don't know.

Mr. CHUMBRIS. But you are the daughter of Mr. and Mrs. J?

Mrs. F2. Yes. I am just freezing.

Mr. CHUMBRIS. You may go.

Mrs. F2. Thank you.

Senator LANGER. Call your next witness.

Mr. CHUMBRIS. This young lady wants to get home to her baby. May she be excused?

Senator LANGER. Yes, she will be excused.

I will excuse you both, if you want to go.

(Mrs. F2 and Mrs. A left the room.)

Mr. CHUMBRIS. However, you are not to discuss what you testified here to this morning.

Senator LANGER. Call your next witness.

Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. W. I do.

TESTIMONY OF MRS. W, SHORT CREEK, ARIZ.

Mr. CHUMBRIS. Be seated, please.

Give your full name.

(No response.)

Mr. CHUMBRIS. I might inform you that this is a hearing of the United States Subcommittee To Investigate Juvenile Delinquency. We have had hearings in Phoenix this past week, and during the course of those hearings at Phoenix matters were brought to the attention of the subcommittee as to practices of plural marriages and polygamy here in Short Creek and nearby areas.

In view of the testimony we received in both public hearings and in executive session in Phoenix, the Senator has called a public hearing this morning in which we have subpoenaed certain witnesses to get to the facts as to whether or not polygamy exists here in this area, and also in nearby Utah, and whether because of that polygamous practice it has a certain impact on the children, and that that impact would cause juvenile delinquency in this area.

In view of that, we have brought you here, so we would like to know your full name.

Mrs. W. ————

Mr. CHUMBRIS. Where do you live?

Mrs. W. Right here in Short Creek.

Mr. CHUMBRIS. What is your occupation?

Mrs. W. I am the ———.

Mr. CHUMBRIS. How long have you been the ———?

Mrs. W. Going in 5 years.

Senator LANGER. Yes. Just tell us the general conditions about this matter, could you?

Mrs. W. Well, I don't have anything to say without legal counsel.

Senator LANGER. Without what?

Mrs. W. I don't have any information to give without legal counsel.

Senator LANGER. Well, now, this is just a hearing——

Mrs. W. Well, that is all fine.

Senator LANGER. We will find out about that. You are the postmaster here, aren't you?

Mrs. W. Yes, sir.

Senator LANGER. And you want legal counsel?

Mrs. W. Yes, sir.

Senator LANGER. Mr. Chumbris, ask her a question or two.

Mr. CHUMBRIS. Now, you understand that when you took your oath of office as postmistress that you swore to uphold the Constitution of the United States?

Mrs. W. I did.

Mr. CHUMBRIS. And the laws of the United States?

Mrs. W. I did.

Mr. CHUMBRIS. And the laws of the respective States?

Mrs. W. I did.

Mr. CHUMBRIS. And to conduct yourself in office consistent with your position?

Mrs. W. I did.

Mr. CHUMBRIS. Under the rules of the United States Senate, an investigating committee has the right to subpoena witnesses and ask them all questions. This is not a criminal proceeding. It is not a

court trial. We are just trying to get the facts, and under the direction of the opinion submitted to the United States Senate a witness must answer all questions propounded to that particular witness.

Mrs. W. O. K.

Mr. CHUMBRIS. We would like to know how long you have been in Short Creek.

Mrs. W. Eleven years, nearly.

Mr. CHUMBRIS. And are you married?

Mrs. W. No, sir.

Mr. CHUMBRIS. You are not?

Mrs. W. No, sir.

Mr. CHUMBRIS. Do you have any children?

Mrs. W. Yes.

Mr. CHUMBRIS. How many children do you have?

Mrs. W. Four.

Mr. CHUMBRIS. Who is the father of those children?

Mrs. W. Mr. W, deceased.

Mr. CHUMBRIS. Mr. W, deceased?

Mrs. W. Yes.

Mr. CHUMBRIS. What are the ages of the four children?

Mrs. W. The youngest is approaching 20.

Mr. CHUMBRIS. And how old is the eldest?

Mrs. W. The eldest is 26.

Mr. CHUMBRIS. When did your husband die?

Mrs. W. In the year 1935.

Mr. CHUMBRIS. Do you know Mr. G?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. Does he have a legal wife by the name of Mrs. G?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. Isn't it true that Mrs. G2, a girl 18 years old, is his plural wife?

Mrs. W. He gave that information at the time of the raid.

Mr. CHUMBRIS. He gave that information, that she is his plural wife, is that correct?

Mrs. W. According to my understanding.

Mr. CHUMBRIS. Now, do you know Mr. H?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. And he has a legal wife by the name of Mrs. H, is that correct?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. Isn't it also true that he has a plural wife by the name of Mrs. H2?

Mrs. W. He has children, according to his own statement at the time of the raid, by her.

Mr. CHUMBRIS. By Mrs. H2?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. He made his own statement to that effect?

Mrs. W. I wasn't to the hearings.

Mr. CHUMBRIS. Do you know Mr. J?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. He has a legal wife by the name of Mrs. J?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. And is it not true also that he has two plural wives, one by the name of Mrs. J2, is that correct?

Mrs. W. According to the statement he made at the Utah hearing.

Mr. CHUMBRIS. And is it not also true that he has a plural wife by the name of Mrs. J3?

Mrs. W. That came out in the Utah hearing.

Mr. CHUMBRIS. He has children by both of these plural wives; is that correct?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. Do you know Mr. K?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. And is it not true that he has a wife by the name of Mrs. K?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. And also that he has a plural wife by the name of Mr. K2?

Mrs. W. He had, but I cannot say that he has.

Mr. CHUMBRIS. Isn't it also true that Mrs. K2 was formerly his legal wife?

Mrs. W. I couldn't say.

Mr. CHUMBRIS. You don't know whether there were divorce proceedings between Mr. K——

Mrs. W. No, sir, I don't know.

Mr. CHUMBRIS. But you do know that at one time Mrs. K2 was his plural wife; is that correct?

Mrs. W. At one time he had two of them.

Mr. CHUMBRIS. He had two wives, Mrs. K2 and Mrs. K, is that correct?

Mrs. W. Yes.

Mr. CHUMBRIS. Do you know Mrs. F2?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. Mrs. F2 is the daughter of Mr. and Mrs. J, is that correct?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. Is it not true that she is also the plural wife of Mr. F?

Mrs. W. I know it was brought out in the investigation in 1953 that she had a child by him.

Mr. CHUMBRIS. And she has a child 17 months old?

Mrs. W. I don't know how old it is.

Mr. CHUMBRIS. And isn't it true also that Mr. F has a legal wife by the name of Mrs. F?

Mrs. W. Yes.

Mr. CHUMBRIS. Who is a sister of Mrs. F2?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. And that Mr. F has another plural wife by the name of N——

Mrs. W. I don't know anything about it.

Mr. CHUMBRIS. You don't know anything about her?

Mrs. W. No.

Senator LANGER. You can't keep track of all of them, can you?

Mrs. W. I cannot keep track of all of them.

Mr. CHUMBRIS. Are you the plural wife of any man?

Mrs. W. No, sir. I told you I was not married.

Mr. CHUMBRIS. If someone made a statement that you were the alleged plural wife of Mr. Y, that person would not be correct?

Mrs. W. That person is deceased.

Mr. CHUMBRIS. Mr. Y is deceased?

Mrs. W. Yes.

Mr. CHUMBRIS. Were you at one time his plural wife?

Mrs. W. What does it matter? I am not married now.

Mr. CHUMBRIS. But would you like to answer the question?

Mrs. W. That man is deceased.

Mr. CHUMBRIS. Were you at one time the plural wife of Mr. Y?

(No response.)

Mr. CHUMBRIS. Well, let me ask this question: Do you believe in a man having plural wives?

Mrs. W. I did.

Mr. CHUMBRIS. You did at one time?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. When did you disassociate yourself with that belief?

Mrs. W. At the death of my husband. I won't say that I disassociated myself with the belief.

Mr. CHUMBRIS. But you disassociated yourself with the practice.

Mrs. W. Yes, at the death of my husband in 1935.

Mr. CHUMBRIS. Now, is that the same husband, Mr. Y, is that the same person you referred to who died in 1935?

Mrs. W. No, sir.

Mr. CHUMBRIS. That is another gentleman?

Mrs. W. That is another gentleman. Mr. Y was his friend, and he counseled me very wisely after my husband's death.

Mr. CHUMBRIS. Now, can you tell us whether since the raid there has been the practice of plural marriages carried on here in Short Creek?

Mrs. W. Not to my knowledge.

Mr. CHUMBRIS. Do you know whether any children have been born to plural wives?

Mrs. W. Not to my knowledge.

Mr. CHUMBRIS. But most of these people that you mentioned, the men, have testified that they had plural wives?

Mrs. W. In 1953. Of course, that information came out at that time.

Mr. CHUMBRIS. Yes. But you don't know of your own knowledge whether it is continuing now or not?

Mrs. W. No, sir, I do not.

Mr. CHUMBRIS. Do you know whether any children have been born between these men and their plural wives since 1953?

Mrs. W. I don't know to my personal knowledge. To my personal knowledge, there has not been. Now, I will tell you, I don't know everyone.

Mr. CHUMBRIS. Do you know whether Mrs. H2, the plural wife of Mr. H has had a baby since the raid?

Mrs. W. I don't know.

Mr. CHUMBRIS. You don't know?

Mrs. W. No.

Mr. CHUMBRIS. Have you ever taught anyone the practice of polygamy or plural wives for men?

Mrs. W. I have taught them from the standard works of the Mormon Church.

Mr. CHUMBRIS. Now, the accepted church, the Church of Jesus Christ of the Latter Day Saints in Salt Lake City does not believe in plural marriages, does it?

Mrs. W. You tell me.

Mr. CHUMBRIS. Do they practice plural marriages?

Mrs. W. I guess they don't.

Mr. CHUMBRIS. It is illegal in Utah, isn't it?

Mrs. W. According to the investigation.

Mr. CHUMBRIS. And according to the submission here, in the Arizona Code Annotated, volume I, article 20 of the Constitution of the State of Arizona, second section, it says:

Polygamy: Polygamists or plural marriages or polygamist cohabitation are prohibited within this State.

Would you say that that is an indication that it is prohibited in the State of Arizona, if it so read in this official document?

Senator LANGER. Well, the Constitution says so. There is no question about that in your mind at all, is there?

Mrs. W. Well, it seems that there has been plenty of fighting about it.

Mr. CHUMBRIS. Have there been any teachings in this area that Arizona does not prohibit polygamy?

Mrs. W. I have heard from statements that there was no law in Arizona against polygamy, but I could not quote the statement and who they were by.

Mr. CHUMBRIS. But they have been circulated in this area?

Mrs. W. Not broadly.

Mr. CAINE. Are you acquainted with Senator James Smith of Graham County, Ariz.?

Mrs. W. No, sir.

Mr. CAINE. Have you ever seen a mimeographed sheet of paper purporting to be a speech made by Senator Smith in the Arizona Senate?

Mrs. W. I think so.

Mr. CAINE. And wasn't it in that sheet of paper that you saw that statement, that there was no law in Arizona against polygamy?

Mrs. W. It is possible, I don't remember.

Mr. CAINE. That is the document.

Well now, did you know Mr. Z during his lifetime?

Mrs. W. Yes, sir, I was acquainted with him.

Mr. CAINE. If someone said that you at one time had been his plural wife, would that be correct?

Mrs. W. That would not be correct.

Mr. CAINE. Do you know Mr. D?

Mrs. W. Yes, sir.

Mr. CAINE. Who lives here?

Mrs. W. Yes, sir.

Mr. CAINE. And if someone said you were the plural wife of Mr. D, would that be correct?

Mrs. W. That would not be correct.

Mr. CAINE. Have you ever at any time been the plural wife of Mr. D?

Mrs. W. No, sir.

Mr. CAINE. Or of Mr. Z?

Mrs. W. No, sir.

Mr. CAINE. Do you know anything concerning the ceremony surrounding a plural marriage?

Mrs. W. According to my understanding there is no difference in the ceremony.

Mr. CAINE. Between a plural marriage and a legal marriage?

Mrs. W. Between a plural marriage and a first marriage.

Mr. CAINE. Who performs a plural marriage?

Mrs. W. I don't know. How should I know?

Mr. CAINE. Well, if you don't know, that is the answer. We have been trying to determine from a young lady who was here this morning, and she didn't even know whether she was even married. Do you know this young girl, Mrs. F2?

Mrs. W. I am acquainted with her.

Mr. CAINE. She testified that she was a plural wife and that there had been a ceremony. Doesn't some official of the United Effort movement conduct a plural ceremony?

Mrs. W. No—official of the United Effort movement?

Mr. CAINE. Yes, perform a ceremony of plural marriages?

Mrs. W. Well, I couldn't say.

Mr. CAINE. Do you know whether the plural marriages are conducted at some special place or any particular place?

Mrs. W. I don't know.

Mr. CAINE. Have you ever heard discussed a manner and method of conducting a plural marriage ceremony?

Mrs. W. No, sir.

Mr. CAINE. Well, is it considered to be a secret?

Mrs. W. No, I don't suppose so.

Mr. CAINE. Have you ever been present at a plural marriage ceremony?

Mrs. W. Only my own.

Mr. CAINE. All right. Who conducted yours? I don't mean by name, but what official, was it an official of the church?

Mrs. W. An elder.

Mr. CAINE. An elder of the United Effort group?

Mrs. W. I did not question the man. I had confidence in my husband, and in what he was doing.

Mr. CAINE. Are we talking about a plural marriage or a legal marriage?

Mrs. W. That was the kind of marriage I had.

Mr. CAINE. With Mr. W?

Mrs. W. With Mr. W.

Mr. CAINE. Then you mean you don't know for sure whether you were joined with Mr. W in marriage as a legal or as a plural wife, is that what you mean?

Mrs. W. Well, I understood he had a legal wife.

Mr. CAINE. He had a legal wife?

Mrs. W. Yes, sir.

Mr. CAINE. Then you undoubtedly were his plural wife, isn't that correct?

Mrs. W. Yes, sir.

Mr. CAINE. All right. Where was that ceremony conducted?

Mrs. W. In Salt Lake County.

Mr. CAINE. In Utah?

Mrs. W. Yes, sir.

Mr. CAINE. And were there a number of people present at the ceremony?

Mrs. W. No, sir.

Mr. CAINE. Just you and your husband and an elder? Only those three people?

Mrs. W. Yes, sir.

Mr. CAINE. And did those ceremonies have to be performed in some special place, or just wherever you found an elder?

Mrs. W. It wasn't some special place.

Mr. CHUMBRIS. You say it was?

Mrs. W. It was not some special place.

Mr. CAINE. The members of the United Effort group who practice polygamy, do they have a building something like the endowment house of the recognized church, when it still recognized polygamy?

Mrs. W. I don't know.

Mr. CHUMBRIS. When the elder performed the services, did he have a text from which he read?

Mrs. W. No, sir.

Mr. CHUMBRIS. The ceremony that he performed was done from memory, is that correct?

Mrs. W. I assume as much.

Mr. CHUMBRIS. Did it have any ritualistic work in it at all?

Mrs. W. I have read the marriage ceremony that the Latter-Day Saints people use, and as near as my memory serves me, it was the same.

Mr. CHUMBRIS. The same ceremony?

Mrs. W. The same ceremony.

Mr. CHUMBRIS. Do you know whether that is the same ceremony that is practiced here for plural marriages?

Mrs. W. I don't know. I only assume that.

Mr. CHUMBRIS. You have not personally attended any plural marriages?

Mrs. W. No, sir.

Mr. CHUMBRIS. And I think you stated previously that since 1935, when Mr. W died, you have not practiced plural marriages, is that right?

Mrs. W. That is right.

Mr. CHUMBRIS. But your marriage with him was a plural marriage?

Mrs. W. My marriage with him was a plural marriage.

Mr. CHUMBRIS. And the children that you reared under that marriage were children from that plural marriage?

Mrs. W. Yes, sir.

Senator LANGER. Just what do you think of this plural marriage business? Does it work out pretty well?

Mrs. W. Well, it did for me.

Senator LANGER. You were very happy?

Mrs. W. I was very happy.

Mr. CHUMBRIS. Could you tell me if any of your children have practiced plural marriages for polygamy?

Mrs. W. No, sir.

Mr. CHUMBRIS. They have not?

Mrs. W. No, sir.

Mr. CHUMBRIS. Where do they live?

Mrs. W. My two sons live here, the eldest and youngest, and the other one lives in Salt Lake.

Mr. CHUMBRIS. But the eldest and youngest sons live here in Short Creek?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. And they do not practice plural marriages?

Mr. W. My youngest son isn't even married.

Mr. CHUMBRIS. Is your eldest son married?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. What is his name?

Mrs. W. Mr. WW.

Mr. CHUMBRIS. What does he do?

Mrs. W. He drives a truck part time.

Mr. CHUMBRIS. Does he have children?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. How many?

Mrs. W. Four.

Mr. CHUMBRIS. How old are they?

Mrs. W. The eldest is 9, the youngest is 2.

Mr. CHUMBRIS. Do you know whether he teaches his children the religious belief in plural marriages?

Mrs. W. What can you teach children that age?

Mr. CHUMBRIS. One of them is 9, you say.

Mrs. W. Yes.

Mr. CHUMBRIS. I understand that some of the plural marriages that have taken place have been with young girls of 11, haven't they?

Mrs. W. Well, I certainly don't know that.

Mr. CHUMBRIS. You don't know that?

Mrs. W. No, sir.

Senator LANGER. There was some testimony to that in Phoenix.

Mrs. W. There was some?

Senator LANGER. Yes.

Mrs. W. That is news to me.

Mr. CHUMBRIS. You say that Mr. WW is your eldest son?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. And to your knowledge he does not practice plural marriage?

Mrs. W. To my knowledge, he does not.

Mr. CHUMBRIS. Now, let me ask you this, if someone made the statement that Mrs. W2 and AA are the plural wives of Mr. W, would that be correct or incorrect?

Mrs. W. According to the information that was given after the raid in 1953, it was shown that Mrs. W2 had a child by him, and therefore she must have been his plural wife at that time.

But according to my knowledge he doesn't have any now, and AA was not.

Mr. CHUMBRIS. AA was not his plural wife?

Mrs. W. That is right.

Mr. CHUMBRIS. Do you have a daughter by the name of BB1?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. Is she the plural wife of Mr. BB?

Mrs. W. I don't know.

Mr. CHUMBRIS. Was that brought about during the arrest and the raid?

Mrs. W. I don't know.

Mr. CHUMBRIS. You don't know?

Mrs. W. No, sir, I don't. I don't know what was brought about in that case.

Mr. CHUMBRIS. So within your own knowledge you don't know whether your daughter is or is not practicing plural marriage?

Mrs. W. I would prefer to——

Mr. CHUMBRIS. Does she have children?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. Does she have a legal husband?

Mrs. W. No, sir.

Mr. CHUMBRIS. How old is the child?

Mrs. W. Three.

Mr. CHUMBRIS. Is it a boy or a girl?

Mrs. W. A boy.

Mr. CHUMBRIS. Is that the only child?

Mrs. W. She has 2 children, 1 younger.

Mr. CHUMBRIS. And is Mr. BB the father of those two children?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. And they have not been legally married?

Mrs. W. Not to my knowledge.

Mr. CHUMBRIS. Does Mr. BB have a legal wife?

Mrs. W. Yes, sir.

Mr. CHUMBRIS. What is her name?

Mrs. W. Mrs. BB.

Mr. CHUMBRIS. How old is Mrs. BB?

Mrs. W. Twenty-two.

Mr. CHUMBRIS. Do you know if Mr. BB has any other wives, other than Mrs. BB1 and Mrs. BB?

Mrs. W. I don't know.

Mr. CAINE. Mrs. W, you say that your daughter BB1 has had children by Mr. BB?

Mrs. W. Yes, sir.

Mr. CAINE. And at the same time you say that you do not believe she is his plural wife?

Mrs. W. Well, I realize that I did not give you the full information there. She is his plural wife.

Mr. CAINE. She is his plural wife, then?

Mrs. W. Well, I am assuming that.

Mr. CAINE. Well you certainly would rather have it considered that she was his plural wife than that she was just simply the mother of illegitimate children?

Mrs. W. I did not witness any ceremony.

Mr. CAINE. Do you visit in their home?

Mrs. W. Once in a while.

Mr. CAINE. As her mother, you go to see her?

Mrs. W. Yes, and occasionally she comes to see me.

Mr. CAINE. And upon occasions of these visits you have seen Mr. BB in her home?

Mrs. W. Well, I haven't seen him there.

Mr. CAINE. You have not?

Mrs. W. He is out of town a lot of the time. She spends more time with me than I do with her.

Mr. CAINE. She spends quite a bit of time with you. Hasn't she told you that she was the plural wife of Mr. BB?

Mrs. W. You can form your own conclusions. I have formed mine.

Mr. CAINE. What is your conclusion?

Mrs. W. My conclusion is that she is his plural wife.

Mr. CAINE. Then you wish to correct your original testimony and say that she is. At first, you said that none of your children were plural wives. Do you want to correct that statement?

Mrs. W. They don't have plural wives. My children don't have plural wives.

Mr. CAINE. Let's go to your daughter, then. Would you say your daughter is a plural wife?

Mrs. W. I beg your pardon. I misunderstood the question. I see what you mean now.

Mr. CHUMBRIS. Let me ask you this, do you or the people in this area make a distinction between a plural wife and a common-law wife?

Mrs. W. I don't know whether they do or not.

Mr. CHUMBRIS. But under your religion——

Mrs. W. Under my own feeling, I can only state for myself.

Mr. CHUMBRIS. Yes, but under the church's belief there is a distinction between a common-law and a plural wife?

Mrs. W. I perhaps don't understand as much about that as I ought to.

Mr. CHUMBRIS. A common-law wife is a relationship of man and woman who have not been brought together either by legal or church ceremony, they just get together and don't go before a priest or get a license, and they just have children.

Now, would you say that there is a distinction between a common-law wife and a plural wife?

Mrs. W. I would assume so.

Mr. CHUMBRIS. A plural wife does go through a ceremony?

Mrs. W. I can only speak for myself, and I assume that the others do.

Mr. CHUMBRIS. Whether it be legal or illegal, they have a ceremony, is that correct?

Mrs. W. There was one in my case.

Mr. CAINE. Were you present when your daughter BB1 went through her plural ceremony?

Mrs. W. No, sir, I say, I don't know what happened.

Mr. CAINE. What was her age at the time she started living with Mr. BB?

Mrs. W. I assume about 17.

Mr. CAINE. Does your daughter continue to live with Mr. BB as his wife?

Mrs. W. I couldn't say that. As I said, she spends more time with me than I do with her.

Mr. CAINE. When was the last time she and Mr. BB lived together as man and wife?

Mrs. W. How could I say?

Mr. CAINE. I mean, you visit their home.

Mrs. W. I don't know things like that.

Mr. CAINE. Do you know whether they are living under the same roof?

Mrs. W. I know she has her own apartment.

Mr. CAINE. Does she cook his meals?

Mrs. W. If she did, it wasn't when I was there.

Mr. CAINE. Do they sleep under the same roof?

Mrs. W. I said she had her own apartment.

Mr. CAINE. Separate and apart from his own home?

Mrs. W. Yes, sir.

Mr. CAINE. At his home he had Mrs BB, is that right?

Mrs. W. Yes, sir.

Mr. CAINE. As postmistress here, have you seen mail coming in recently from points in Colorado or Canada to various people here?

Mrs. W. No, I don't recall it.

Mr. CAINE. Are you aware of the fact that within the last 60 days, or less, that a family or two have moved in here from Colorado?

Mrs. W. I am aware there is one family that moved in from Colorado.

Mr. CAINE. And they are now receiving mail at the post office?

Mrs. W. I don't recall that they have received any from Colorado, except that I do recall that the gentleman sent his income tax return there.

Mr. CAINE. Are they associated with the united effort group here?

Mrs. W. I couldn't say.

Mr. CAINE. You are aware that there are 1 or 2 families here from Colorado?

Mrs. W. As far as my knowledge serves me, there is but one.

Mr. CHUMBRIS. When you say you are not aware of whether they are with the united effort group or not, are you aware of whether they practice plural marriage?

Mrs. W. I don't know.

Mr. CAINE. Is the name of this family CC?

Mrs. W. Yes, sir.

Mr. CAINE. We have been told that there are two families. Is it possible that there are two families of that name?

Mrs. W. I got acquainted with two families, but so far as my knowledge goes, I just got acquainted with this one.

Mr. CAINE. Where did the other family come from?

Mrs. W. There is no other family, so far as I know.

Mr. CHUMBRIS. Isn't there a warmer place where we could have the rest of this hearing?

Mrs. W. Back in the kitchen, they have a fire in there now.

Mr. CHUMBRIS. I have no further questions.

Senator LANGER. Thank you very, very much.

Mr. CHUMBRIS. I will ask you not to discuss your testimony with anyone else, please.

Mrs. W. All right.

(Whereupon, the subcommittee, due to climatic conditions, continued its hearing in the home of DD, Short Creek, Ariz.)

Senator LANGER. Let the record show that we adjourned the meeting from the school house to the home of DD in Short Creek, Ariz., because of climatic conditions.

(At this time a gentleman walked into the room and started talking:)

Mr. EE. Senator, are you Senator Langer?

Senator LANGER. Yes, sir.

Mr. EE. Well, there is a funeral, one of our buddies' wives died, one of our friends right here in town, one of the boy's wives died, and they are holding the funeral at 1 o'clock, and the folks come from all over. I'd like to know if these people that you have here under subpena can't go to that funeral? I will see to it that the particular people you need will be here when you need them, but just have the town sit and wait instead of going to the funeral, seems to be a little out of line.

Senator LANGER. It is agreeable to me, if it is agreeable to the sheriff, whatever the sheriff says.

Mr. CHUMBRIS. What is your name?

Mr. EE. EE.

Senator LANGER. Well, if it is O. K. with the sheriff, and he sees that we get the witnesses as we need them, that is fine.

Mr. CHUMBRIS. Mrs. F.

Senator LANGER. Will you raise your right hand, please?

Do you solemnly swear that the testimony you are about to give in this matter will be the truth, the whole truth, nothing but the truth, so help you God?

Mrs. F. Yes, sir.

TESTIMONY OF MRS. F., HOUSEWIFE, SHORT CREEK, ARIZ.

Mr. CHUMBRIS. Will you state your full name, please?

Mrs. F. _____.

Mr. CHUMBRIS. Mrs. F?

Mrs. F. Yes.

Mr. CHUMBRIS. And you are the wife of Mr. F?

Mrs. F. Yes.

Mr. CHUMBRIS. Where were you married?

Mrs. F. I was married in St. George.

Mr. CHUMBRIS. In St. George?

Mrs. F. Yes.

Mr. CHUMBRIS. That is in Utah?

Mrs. F. Yes.

Mr. CHUMBRIS. How long have you been married?

Mrs. F. I imagine about 7 years. I have not figured it up.

Mr. CHUMBRIS. How many children do you have?

Mrs. F. Three.

Mr. CHUMBRIS. Is Mrs. F2 your sister?

Mrs. F. Yes, she is my legal sister.

Mr. CHUMBRIS. Do you know whether Mrs. F2 is the plural wife of Mr. F?

Mrs. F. I don't know.

Mr. CHUMBRIS. She has a 17-month-old child by Mr. F; is that correct?

Mrs. F. I don't know.

Mr. CHUMBRIS. First let me point out that this is a hearing of the United States Senate Subcommittee To Investigate Juvenile Delinquency, and that this hearing is being held as a result of matters that were brought to the attention of the subcommittee in Phoenix last week. Certain people have testified before the subcommittee as

to what went on here in Short Creek, and as to what went on in the matter before the courts in Arizona.

Statements have been made by people here as to what has gone on in Short Creek, and as a result of that material that we have obtained we have come in here this morning to learn of the facts dealing with this particular problem.

I want you to know that you are under oath, and you are instructed to answer all of the questions that are put to you as fully as you know how, and as truthfully as you know how.

Now, do you know that Mrs. F2, your sister, is the plural wife of Mr. F?

Mrs. F. No, I don't.

Mr. CHUMBRIS. You don't know?

Mrs. F. No.

Mr. CHUMBRIS. Do you know if her 17-month-old child is the child of Mr. F and Mrs. F2?

Mrs. F. No, I don't know.

Mr. CHUMBRIS. Have you ever heard Mr. F admit that Mrs. F2 is his plural wife?

Mrs. F. No.

Mr. CHUMBRIS. Have you ever heard him admit that the 17-month-old child is his child?

Mrs. F. No.

Senator LANGER. Was this brought up in 1953?

Mr. CHUMBRIS. She was not a part of the 1953 proceedings, I don't believe.

Mr. CAINE. May I talk to you for a moment?

(Discussion off the record.)

Senator LANGER. Proceed.

Mr. CHUMBRIS. Do you know whether Mr. F and Mrs. F2 have been living as husband and wife since the raid took place?

Mrs. F. No.

Mr. CHUMBRIS. You do not have any knowledge of that?

Mrs. F. No, I don't.

Senator LANGER. Do you live here in town?

Mrs. F. Yes.

Senator LANGER. What?

Mrs. F. Yes.

Mr. CHUMBRIS. Where do you live?

Mrs. F. Down here [indicating].

Mr. CHUMBRIS. How far from here?

Mrs. F. Just across from the schoolhouse. I am not here all the time.

Mr. CHUMBRIS. Where does Mrs. F2 live?

Mrs. F. I don't know.

Mr. CHUMBRIS. Where does Mr. F live?

Mrs. F. He is out working.

Mr. CHUMBRIS. Does he live with you and the three children?

Mrs. F. Yes.

Mr. CHUMBRIS. Where does he go?

Mrs. F. He is on a job.

Mr. CHUMBRIS. What type of work does he do?

Mrs. F. He has been cutting timber.

MR. CHUMBRIS. Is that near this area?

MRS. F. No, it is not.

MR. CHUMBRIS. How far is it from here?

MRS. F. I don't know.

MR. CHUMBRIS. Do you know of your own knowledge that the court released a certain number of children back to their mothers recently? Do you know that?

MRS. F. I know that they give the children back to their mothers.

MR. CHUMBRIS. Yes. Do you know that that occurred?

MRS. F. I know that they gave mine back to me.

MR. CHUMBRIS. How old was the one they gave back to you?

MRS. F. I have three children.

MR. CHUMBRIS. Did they take all three of them from you?

MRS. F. Yes.

MR. CHUMBRIS. How long did they keep them from you?

MRS. F. I don't know.

MR. CHUMBRIS. Don't you remember how long it was?

MRS. F. No.

MR. CHUMBRIS. Was it a month, 6 months, or a year?

MRS. F. Almost 2 years.

MR. CHUMBRIS. Almost 2 years that the State had your 3 children.

MRS. F. Yes.

MR. CHUMBRIS. And they just recently gave them back to you?

MRS. F. Yes.

MR. CHUMBRIS. Were you down there in Phoenix with them?

MRS. F. Yes.

MR. CHUMBRIS. During that course of time did you live with Mr. F?

MRS. F. No.

MR. CHUMBRIS. Did your sister Mrs. F2 live with Mr. F during that time?

MRS. F. No.

MR. CHUMBRIS. Did you make any promise to the court when you came back here to Short Creek?

MRS. F. No.

MR. CHUMBRIS. Isn't it true that the court instructed you that you could come back to Short Creek and have your children so long as there was no practice of polygamy in the family?

MRS. F. I don't know.

MR. CHUMBRIS. You say you don't know?

MRS. F. That is right.

SENATOR LANGER. Well, you would know that, wouldn't you?

MRS. F. I don't know.

SENATOR LANGER. You know what the court said to you, don't you?

MRS. F. I know what the court said.

MR. CHUMBRIS. What did the court say to you?

MRS. F. I just don't know.

MR. CHUMBRIS. Just what promise did you make to the court in order to come back here to Short Creek?

MRS. F. I don't know. I didn't make a promise. I don't know.

SENATOR LANGER. You are under oath, and you say you don't know you made the court a promise like that?

MR. F. I didn't make the court no promise, but I don't know what the court said.

Mr. CHUMBRIS. What did the court say?

Mrs. F. I don't know.

Mr. CHUMBRIS. Did you make a promise?

Mrs. F. No.

Mr. CHUMBRIS. Did your husband make a promise, Mrs. F?

Mrs. F. I don't know.

Mr. CHUMBRIS. Was he there at the time?

Mrs. F. No.

Mr. CHUMBRIS. Where were you when he when you were released and sent back here?

Mrs. F. I don't know.

Mr. CHUMBRIS. Do you have any knowledge whether any of the ladies who were sent back to Short Creek with their children—

Mrs. F. I don't know.

Mr. CHUMBRIS. Just a moment, please. I have not finished ask-you the question as yet.

Mrs. F. No, I don't.

Mr. CHUMBRIS. Let me finish the question, please.

Do you know, to your knowledge, of any of the mothers who were allowed to come back to Short Creek with their children, whether in that family there is still a practice of plural marriages going on, that the father, besides having his legal wife, will also have a plural wife?

Mrs. F. No, I don't.

Mr. CHUMBRIS. You don't know of your own knowledge whether that is going on?

Mrs. F. No.

Mr. CHUMBRIS. Do you know whether any of the ladies in Short Creek who are plural wives have had any children since 1953 with their husbands?

Mrs. F. No, I don't.

Mr. CHUMBRIS. Have there been any births of children in Short Creek since 1953?

(No response.)

Mr. CHUMBRIS. Have there been any children born in Short Creek since 1953?

Mrs. F. I don't know.

Mr. CHUMBRIS. You don't know of any new babies around Short Creek?

Mrs. F. I don't know.

Mr. CHUMBRIS. Are you sure you are giving us the full answers?

Mrs. F. I don't know.

Mr. CHUMBRIS. How many people are there in Short Creek?

Mrs. F. I do not know that either.

Mr. CHUMBRIS. Are there 300?

Mrs. F. I don't know.

Mr. CAINE. Didn't a lady just die who gave birth to two children whose funeral is being held today?

Mrs. F. I don't know.

Mr. CAINE. You don't know how many children she has?

Mrs. F. No.

Mr. CHUMBRIS. Senator, I think that Mr. FF is here. Why don't we ask this lady to step out and bring Mr. FF in? He is one of the patriarchs.

Senator LANGER. Very well. However, you are not excused, you are temporarily excused, Mrs. F.

Mr. CHUMBRIS. Will you ask Mr. FF to step in?

Senator LANGER. Good afternoon, sir, we are having an investigation here. Will you raise your right hand and be sworn, please?

Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FF. I do.

Senator LANGER. Will you explain why we are here?

Mr. CHUMBRIS. Mr. FF, the United States Subcommittee To Investigate Juvenile Delinquency has been holding hearings all over the country. During the past week while we were in Phoenix, Ariz., with hearings on several matters, there was brought to the attention of the subcommittee the Short Creek problem of the practice of polygamy, the practice of plural wives, by the men in the community.

The point was brought out that after the arrest was made in 1953, the children were taken away from the parents, and put in custody of the State welfare department.

Are you familiar with that?

Mr. FF. Yes, sir.

TESTIMONY OF MR. FF, SHORT CREEK, ARIZ.

Mr. CHUMBRIS. All of this was brought to our attention, because of certain factors that might lead to the delinquency of children.

After we heard that testimony, the subcommittee decided to come here and learn from you people what the facts are. These people came down and told the subcommittee certain facts, and we want to know what your impression of those facts is, so that we will get a full and complete picture.

If you do not answer questions, if we put questions to you, and people say, "I don't know," then we will only have in the record the views that were expressed by the witnesses who came down to Phoenix, and we won't have the view of the people in Short Creek.

This is your opportunity to tell us, and the subcommittee, exactly what those facts are. We are trying to ask you certain questions and we would like to get answers to these questions.

Now, sir, what is your full name?

Mr. FF. _____.

Mr. CHUMBRIS. Where do you live?

Mr. FF. Short Creek, Ariz.

Mr. CHUMBRIS. Where?

Mr. FF. Short Creek, Ariz.

Mr. CHUMBRIS. How long have you been living there?

Mr. FF. Oh, possibly 12 years.

Mr. CHUMBRIS. What type of work do you do?

Mr. FF. Farming.

Mr. CHUMBRIS. And where do you farm?

Mr. FF. Across the creek, next to the last house going west.

Mr. CHUMBRIS. In Short Creek, Ariz.?

Mr. FF. Yes.

Mr. CHUMBRIS. How long have you been doing that?

Mr. FF. Four years.

Mr. CHUMBRIS. Are you married?

Mr. FF. Yes, sir.

Mr. CHUMBRIS. What is your wife's name?

Mr. FF. Mrs. FF.

Mr. CHUMBRIS. Do you have any children?

Mr. FF. Yes, sir.

Mr. CHUMBRIS. How many?

Mr. FF. Five.

Mr. CHUMBRIS. What is the age range of those five children?

Mr. FF. Let me see. This is just approximately. It doesn't have to be exact?

Mr. CHUMBRIS. All right.

Mr. FF. 9, 5—no; wait a minute, I got 1 in between—9, 7, 5, 3, and 2. Now, that is just approximately.

Mr. CHUMBRIS. They are the children between you and Mrs. FF; is that right?

Mr. FF. Yes, sir.

Mr. CHUMBRIS. When were you and Mrs. FF married?

Mr. FF. Oh, I can't tell you exactly. A couple or 3 months ago.

Mr. CHUMBRIS. You and Mrs. FF were married 3 months ago?

Mr. FF. A couple of months ago.

Mr. CHUMBRIS. You say you have children 9 years old; is that right?

Mr. FF. Yes.

Mr. CHUMBRIS. And you and Mrs. FF were married 3 months ago?

Mr. FF. Yes, sir.

Mr. CHUMBRIS. I ask you this question, these children are yours and Mrs. FF's?

Mr. FF. Yes, sir.

Mr. CHUMBRIS. You had another wife—

Mr. FF. Do you get it straight?

Mr. CHUMBRIS. I am getting some information so that I might get it straight.

Just tell it in your own way.

Mr. FF. When this investigation came about that you already referred to, FF, or Mrs. FF, was my plural wife.

Mr. CHUMBRIS. Go ahead, continue.

Mr. FF. My legal wife is deceased, and I married this girl, and the children are my children.

Mr. CHUMBRIS. With FF?

Mr. FF. Yes.

Mr. CHUMBRIS. Who at that time was your plural wife?

Mr. FF. Yes.

Mr. CHUMBRIS. O. K.

Now, do you have a plural wife now?

Mr. FF. In Phoenix.

Mr. CHUMBRIS. In Phoenix?

Mr. FF. Yes.

Mr. CHUMBRIS. What is her name?

Mr. FF. FF1.

Mr. CHUMBRIS. What is her last name?

Mr. FF. Mrs. FF1. That was their maiden name.

Mr. CHUMBRIS. She is a sister of Mrs. FF?

Mr. FF. Yes, sir.

Mr. CHUMBRIS. How long has she been living in Phoenix?

Mr. FF. Since they took them down, since the raid.

Mr. CHUMBRIS. She was here at one time, Mrs. FF1 was here?

Mr. FF. Yes.

Mr. CHUMBRIS. And she was your plural wife at that time also?

Mr. FF. Yes, sir.

Mr. CHUMBRIS. Do you have any children with Mrs. FF1?

Mr. FF. Yes, sir.

Mr. CHUMBRIS. How many?

Mr. FF. Let me name them to you.

Mr. CHUMBRIS. All right.

Mr. FF. FFA.

Mr. CHUMBRIS. How old is FFA?

Mr. FF. I imagine 10, approximately so.

FFB.

FFC.

FFD.

FFE.

Mr. CHUMBRIS. And how old is FFE, how old is the youngest one?

Mr. FF. A year last Christmas Day.

Mr. CHUMBRIS. So they range from 1 to 10 years old?

Mr. FF. Yes.

Mr. CHUMBRIS. They are the children between you and FF1, is that right?

Mr. FF. Yes, sir.

Mr. CHUMBRIS. And you say she is down in Phoenix?

Mr. FF. Yes, sir.

Mr. CHUMBRIS. Is the court holding her there?

Mr. FF. Yes—well, the court gave the mother legal custody of the children, and I understand she is still living there.

Mr. CHUMBRIS. Is she going to stay down there?

Mr. FF. That is right.

Mr. CHUMBRIS. What type of work does she do, that you know of?

Mr. FF. She is taking care of the children. She is not working. I am supporting the children.

Mr. CHUMBRIS. You are supporting the children in Phoenix?

Mr. FF. Yes, sir.

Mr. CHUMBRIS. When the children were turned over to her custody, did you and FF1 have to make any promise to the court about not engaging further in polygamy practices?

Mr. FF. What she did I don't know. I wasn't there.

Mr. CHUMBRIS. How long ago did she get the children back? Recently, last month, or 2 months ago?

Mr. FF. Yes, sir, at the final decision, the judge's final decision.

Mr. CHUMBRIS. Are you at the present time engaging in the practice of polygamy?

Mr. FF. No, sir.

Mr. CHUMBRIS. Have you seen Mrs. FF1 since the time she has been given those children?

Mr. FF. Once.

Mr. CHUMBRIS. Where, in Phoenix?

Mr. FF. Yes.

Mr. CHUMBRIS. During the course of that time, would you say that you engaged with her in any activity that you would consider activities a wife would engage in with her husband?

Mr. FF. No, sir.

Mr. CHUMBRIS. Do you intend to?

Mr. FF. No, sir.

Mr. CHUMBRIS. Do you intend from this point on living only with your legal wife, Mrs. FF, is that correct?

Mr. FF. Yes, sir. I also intend to do what I can toward supporting those children.

Mr. CHUMBRIS. Those five children?

Mr. FF. Yes, sir.

Mr. CHUMBRIS. Could you tell us what type of ceremony is performed when you take on a plural wife? Who conducts it, how many people are there, what type of ceremony, what type of ritual? Could you explain that to us.

Mr. FF. No, sir, I cannot. It is part of our religion, and it is sacred. We do not divulge it.

Senator LANGER. I beg your pardon?

Mr. FF. It is part of our religion. I can tell you this, that it did not happen in this State nor in the State of Utah.

Mr. CHUMBRIS. You do not intend to divulge it, is that it?

Mr. FF. Not the ceremony, no, sir, not the nature of it.

Mr. CHUMBRIS. Is there any reason why it should be kept secret?

Mr. FF. Well, for moral reasons, yes.

Mr. CHUMBRIS. Is it any different than any other religious group, where the public is invited to attend a church wedding ceremony?

Mr. FF. I don't know about any other group.

Mr. CHUMBRIS. Of all the friends that you have had in years gone by, you have never attended a wedding of anybody other than in your church?

Mr. FF. No, sir. I don't think the Mormon Church ever divulges that. That is the characteristic of the Mormon Church.

Mr. CHUMBRIS. Let me ask you this question: Is there a ceremony?

Mr. FF. Sure.

Mr. CHUMBRIS. And is it a ceremony that is universally followed by the people of your church and your group?

Mr. FF. I presume so. I could not testify because I have not seen anyone.

Mr. CHUMBRIS. You have not seen anyone else in your own church during a plural marriage ceremony?

Mr. FF. No. The most I could bear testimony to is the rituals of the church as recorded in the doctrine and covenants.

Mr. CHUMBRIS. Let me get this point straight. Everybody who is married in your religious group, whether it be a legal or a plural marriage, that is the same as a legal marriage under your belief. Now, is that also secret?

Mr. FF. Yes, sir.

Mr. CHUMBRIS. And your plural marriage is also secret?

Mr. FF. Yes.

Mr. CHUMBRIS. Both of them are secret?

Mr. FF. It is what is known in the church as temple marriages, but it doesn't necessarily mean that it is obligatory to be married in the temple.

Mr. CHUMBRIS. Everybody who is married under that procedure does it in secret, is that right?

Mr. FF. I would say sacred, not secret.

Mr. CHUMBRIS. And being sacred it is also secret?

Is that right?

Mr. FF. Well, if you would liken it to an oath that you take when you join a lodge, yes. I understand that an oath that is taken in a lodge is not secret, but it is sacred.

Mr. CHUMBRIS. In certain lodges, you say an oath is considered sacred?

Mr. FF. I understand that.

Mr. CHUMBRIS. Do all people who are engaged in a marriage ceremony do so without anyone else being in attendance?

Mr. FF. I cannot testify to all people.

Mr. CHUMBRIS. Only your own?

Mr. FF. Yes.

Mr. CHUMBRIS. You have never been to any plural or polygamous marriage or marriage of your church? You have never attended any of them, is that correct?

Mr. FF. Will you state that again?

Mr. CHUMBRIS. I want to know whether you personally have attended any marriage of your orthodox group, have you ever attended any marriage?

Mr. FF. No, I have not. I will state this in addition, though, that Mrs. FF and I were married by the judge down here in Phoenix.

Mr. CHUMBRIS. Mrs. FF and you were married by the judge in Phoenix?

Mr. FF. Yes. If you are talking about a church marriage, we were married before.

Mr. CHUMBRIS. Now, let me ask you this —

Senator LANGER. Well, it is quite common to have both religious and a civil marriage.

Mr. FF. The thing I am trying to do is to comply with the ritual and the civil law at the same time.

Mr. CHUMBRIS. You were married once rightly by the church, and once by civil law, is that right?

Mr. FF. That is right.

Mr. CHUMBRIS. How is your particular religious faith taught to people within the group? Do you have church services or do you have meetings?

Mr. FF. Yes, sir.

Mr. CHUMBRIS. Is that explainable here? Can you explain it to us?

Mr. FF. Yes, sir. So far as my understanding of the ritual, so far as I understand it. Our spiritual—you are aware of the fact that we are generally known as Fundamentalists, and our original leader of the prophet, Joseph Smith, and our textbook is what is known as the pearl of great price. Our rituals are established definitely there for the entire Mormon Church. We don't claim to be an offset of the Mormon Church, but the original Fundamentalists, as the Revelations reveal, and it is our intent and our purpose to follow them as we understand them, as we interpret them.

Mr. CHUMBRIS. If I get this correctly, you vary from the Church of Jesus Christ of the Latter-day Saints, not only in this degree, not

only pertaining to plural marriages, but in this respect, that they have given up their rituals?

Mr. FF. To comply with State and Federal law.

Mr. CHUMBRIS. To comply with State and Federal law, is that right?

Mr. FF. Yes, sir.

Mr. CHUMBRIS. But you still maintain that old ritual, that husbands can have more than one wife?

Mr. FF. We maintain this, that every man and every woman has a right to worship God according to the dictates of their own conscience—constitutionally and religiously. That is the thing. In other words, to live our religion, no man needs to break the law of the land, the constitutional law of the land to live the law of God.

Mr. CHUMBRIS. Then the biggest sector of the Mormon Church has changed from what you believe in to be consistent with State and Federal law, is that right, as to plural marriages?

Mr. FF. Yes, as to plural marriages. And we believe that a religious right to worship, where it is infringing on no one, also is right, and is not breaking that constitutional law. It has to be proven in court, but that is our belief.

Mr. CHUMBRIS. Irrespective of what the Federal Constitution, the State constitution, and State laws say, and if you are violating their laws, you will still continue with plural marriages?

Mr. FF. No, I didn't say that. If I were locked in jail, I would be foolish to butt my head out and say, "Here, knock my brains out, I am not justified in doing this."

I feel that I am being infringed on, because of the fact that I am not permitted to live according to the dictates of my own conscience. But why fight the world, just because the world feels differently. The majority has never determined anything. There would be no such thing as religion in the world if that were the case.

But there is a law, an irrevocable law in the heavens, but in the world the law is that the majority rules, right or wrong.

Now, that is my position.

Mr. CHUMBRIS. I don't know whether I made my question clear to you. Let's assume that the Federal Government and the State government will strictly enforce their laws which prohibit plural marriages—

Mr. FF. They have, so far as I am concerned.

Mr. CHUMBRIS (continuing). In view of that—

Mr. FF. What could I do? I couldn't do it if I wanted to.

Mr. CHUMBRIS. Would you and the members of your religion group continue to practice polygamous marriages?

Mr. FF. I couldn't testify for the members of my group.

Mr. CHUMBRIS. Would you?

Mr. FF. No, I can't. It doesn't make any difference what I believe or do not believe. I gave you that comparison as being locked in jail.

Mr. CHUMBRIS. So far as you are concerned, you do not practice having plural wives any longer?

Mr. FF. I do not. I have quit it.

Mr. CHUMBRIS. You have given it up?

Mr. FF. Yes.

Mr. CHUMBRIS. I understand that others don't feel exactly like you do, is that true?

Mr. FF. If I understand my religion correctly, and they understand theirs, they are in the same trouble I am. In my creed, you come down to technicalities, there may be differences of opinion, difference of interpretation. We have our textbooks and law books to go by, and there is only one point that I would stay to as my position, and that is what I call my ecclesiastical law, my constitutional right to live my religion according to the dictates of my conscience, infringing on no individual's rights.

Mr. CHUMBRIS. Have you observed any person within Short Creek, since these arrests have occurred and since the State has indicated that it is going to strictly enforce the prohibition of plural marriages, of polygamous marriages and plural wives, have you observed any of these individuals in Short Creek who continue to practice polygamy?

Mr. FF. According to my observations they have been loyal and true to the things that they have promised through their leadership, and you know what that is, that they have stayed away from polygamy.

Mr. CHUMBRIS. In other words, you say from your observation.

Mr. FF. From my observation.

Mr. CHUMBRIS. That all of these people are living only with their legal wives?

Mr. FF. I cannot testify, only from observation.

Mr. CHUMBRIS. Only the legal wives, and not with their plural wives; is that correct?

Mr. FF. That is right.

Mr. CHUMBRIS. Have there been any children born in Short Creek lately, of husbands and plural wives?

Mr. FF. Not that I know of. And that is my honest conviction, that there have not been.

Mr. CHUMBRIS. You personally have given up your plural wives, Mrs. FF1, for one, is that right?

Mr. FF. Even as they take me to jail.

Mr. CHUMBRIS. Did you have to go to jail?

Mr. FF. Yes.

Mr. CHUMBRIS. Were you one of them?

Mr. FF. I was one of them, yes.

Mr. CHUMBRIS. How long did you stay?

Mr. FF. How long were we locked up? Ten days or two weeks?

Mr. CAINE. Twenty days.

Mr. FF. Until we made bond.

Mr. CHUMBRIS. Were they further prosecuted after that, after those 10 days?

Mr. FF. We were—what is the word I want to use?

Mr. CHUMBRIS. You were released on bond?

Mr. FF. Yes.

Mr. CHUMBRIS. After serving 10 days actually in jail?

Mr. FF. Yes.

Mr. CHUMBRIS. After you were released on bond, was the case dismissed against you, was it dropped, when the court took over jurisdiction?

Mr. FF. No, we reported to the judge for a year, or for 11 months.

Mr. CHUMBRIS. Did you plead guilty?

Mr. FF. As long as those children are my children, that was an open admission, wasn't it?

Mr. CHUMBRIS. And then you reported to the judge that you were complying with the law and not practicing polygamy and having plural wives?

Mr. FF. I have tried to show the court in all sincerity, from every angle, that of all my life, that is part of my religion, to be honest and above board.

Mr. CHUMBRIS. Do you have any questions, Senator?

Senator LANGER. No, I do not.

Mr. CHUMBRIS. I think it has been fully covered.

Mr. CAINE. I knew Mr. FF for some time. We had a little go-around on an extradition proceeding very recently.

Mr. FF was informed against up in Idaho out of some matters arising out of juvenile problems.

Mr. FF. What is the latest news on that, by the way?

Mr. CAINE. The Governor set the hearing, you have had notice of the hearing?

Mr. FF. No.

Mr. CAINE. Mr. FF, along with two other parties, has been indicted in the State of Idaho for kidnaping an 18-year-old boy, I believe that was his age, or 17, who formerly lived here and was released by juvenile court to his father in Idaho, and Mr. FF and the boy's mother and Mr. H went to Idaho and picked the boy up and brought him back to Short Creek.

There is a question as to the legality of what they did, because it was right after habeas corpus decisions had been decided that these people could return to Short Creek, except this particular boy.

Senator LANGER. Are you under indictment now?

Mr. FF. Yes, sir.

Senator LANGER. You don't have to answer any questions that involve your case at all.

Mr. FF. I understand.

Mr. CAINE. And then we had a fugitive warrant in Mohave County, and that is where I got acquainted with Mr. FF.

Mr. FF. May I speak?

Senator LANGER. Surely. You understand you don't have to—let me make it clear here, that if you are under indictment, you don't have to testify to anything at all, and you may make a statement if you want to, but you don't have to.

Mr. FF. I don't want to make a statement, but I do want to ask you this. He said that we three went up there and got the boy—

Mr. CAINE. Let me correct that to say that that is what you are charged with.

Mr. FF. I was wondering about that.

Mr. CAINE. I had already found you guilty, and that is not testimony that could be used in court.

Mr. CHUMBRIS. You understand, this is Senator Langer from the United States Senate. I heard you refer to him as judge, and while he is distinguished looking enough to be a judge, I didn't want you to think that you were before a judge.

Senator LANGER. Yes, we are investigating the problem of juvenile delinquency. I want to tell you, Mr. FF, that you don't have to say one word about the matter with which you are charged, as to its either being correct or incorrect.

Mr. CHUMBRIS. We have no further questions.

Senator LANGER. But we are very much interested in the viewpoint you expressed here, in your answers.

Mr. FF. I hope you people will appreciate this fact, that if a man has a religion, he may as well just quit his thinking and discard it, or else change it, or try to live it, so far as his being legally able to do it.

Mr. CHUMBRIS. You feel that your religious belief is so fundamental that the constitutional limitation is in conflict with your religious thinking?

Mr. FF. That is the point.

Senator LANGER. He has already stated that he will comply.

Mr. FF. I have to comply. There is no willingness about it. I have to.

Mr. CHUMBRIS. That is what we wanted to find out.

Thank you very much.

Mr. FF. I am released now, am I?

Senator LANGER. Yes.

Mr. CHUMBRIS. This is Mr. GG, Senator.

Mr. GG, this is a hearing of the United States Senate Subcommittee on Juvenile Delinquency. We received certain facts while we had our hearings in Phoenix on other matters last week, and certain people testified as to the problem here in Short Creek. In view of the testimony submitted in Phoenix, the subcommittee decided to come here and find out the facts from the people at Short Creek. That is the purpose of this hearing. I want to tell you that you may have the opportunity to express your views so that we will have them in the record as the views of the people in Short Creek, as well as the views of those who testified in Phoenix.

Mr. GG. I don't have any desire to be out of order or to be impertinent or anything, but I just wondered if in a situation of this kind we did not have a chance to have legal counsel.

When we had this situation before we were instructed that we did not have that privilege, and then we found out later that we did.

Mr. CHUMBRIS. First, let us get your name in the record.

Senator LANGER. Will you raise your right hand and be sworn, please?

Do you solemnly swear that the testimony you are about to give in the pending matter is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GG. I do.

Senator LANGER. Please be seated.

Mr. CHUMBRIS. Give your full name.

Mr. GG. ————.

TESTIMONY OF MR. GG, SHORT CREEK, ARIZ.

Mr. CHUMBRIS. And you live here in Short Creek?

Mr. GG. Yes, sir.

Mr. CHUMBRIS. What type of work do you do?

Mr. GG. We are engaged in farming procedures, some contracting and mining right now, hopeful mining, that is.

Mr. CHUMBRIS. Now, Mr. GG, you raised a question at the other proceeding that you were not given counsel, and the court later determined that you should have been given counsel?

Mr. GG. That is right.

Mr. CHUMBRIS. I would like to advise you that this is not a judicial proceeding. You are not in court here. You are before a subcommittee of the United States Senate that has certain powers and prerogatives in investigations and in hearings. We are asking you certain questions, and we have a right to expect certain answers. On that basis the subcommittee has come from a long way to be here in order to conduct this hearing, and has decided that counsel, which is not available to you, but if you had your counsel here it would be fine to have him here, but I understand that counsel is in Phoenix?

Mr. GG. He is only 2 or 3 hours off, if we wanted to get him here.

Mr. CHUMBRIS. The only point is this, we have to leave Short Creek today. The Senator has already put off an appointment, and he is going to delay that because of this particular hearing. He must be back in Washington by Wednesday, so we must proceed.

Mr. GG. The thing I wanted to ask is this, Are you denying us legal counsel?

Mr. CHUMBRIS. At this particular time.

Mr. GG. So that goes in the record.

Mr. CHUMBRIS. That goes in the record, yes, and under the circumstances as we explained them to you.

Mr. GG. I understand the thing that is involved against us then is not considered important enough to require us or to allow us to have counsel, is that it?

Mr. CHUMBRIS. We think the matter is of great importance, and we have explained to you the reason why we cannot delay this particular hearing until your counsel gets here. If at any time you feel there is anything in the record that your attorney wishes to challenge, he will have an opportunity to challenge it.

Mr. GG. That will be available to us, this record?

Senator LANGER. Anything that involves you personally.

Mr. GG. I mean, where it may intimidate us.

Senator LANGER. I don't want you to answer any questions that are going to intimidate you.

Mr. GG. I was wondering if we were being disallowed counsel.

Senator LANGER. Go ahead. We will see what develops.

Mr. GG. If we are not allowed counsel, then there is naturally a difference in how we want to answer. You cannot blame us for that. I don't mean to be impertinent, but you can understand our position. They had us in a box here before because we never had counsel.

Mr. CHUMBRIS. Now, there are certain things that we would like to know. Were you one of the persons involved in the arrests?

Mr. GG. Yes.

Mr. CHUMBRIS. And did you, of your own free will, make certain admissions to the court in the previous matter?

Mr. GG. Under my own free will, you say?

Mr. CHUMBRIS. Yes.

Mr. GG. Well, under the stress of the circumstances. You know how that would be.

Mr. CHUMBRIS. But did you make certain admissions, then, that you would want to deny at this particular subcommittee hearing?

Mr. GG. Well, some time has elapsed. I just didn't know what all was involved. Would you allow me to ask a question?

Mr. CHUMBRIS. Yes.

Mr. GG. This is with all due respect to you, Senator, but is this a public hearing that you are holding?

Mr. CHUMBRIS. Yes, it is a public hearing.

Mr. GG. Could we allow some of our people in here?

Mr. CHUMBRIS. We have a rule that those who are going to be witnesses will have to remain outside of the room, so that the person who is going to testify later will be able to testify without knowing what each witness has testified to, which is common procedure before any Senate committee.

Mr. GG. The reason I was wondering—and I have nothing against the Nyborgs—we have been good friends and will continue to be good friends—but I was wondering if she is allowed to be here.

Mr. CHUMBRIS. We started the hearing in the schoolhouse, and it was open to anybody who wanted to come, but because of the cold weather, it was very cold, we had to find some place where it was a little warmer.

Mr. GG. Some of us wanted to come in, and we were not allowed to, and that is the reason why I wondered why we were barred from it.

Mr. CHUMBRIS. Were you under subpoena?

Mr. GG. No, I had no subpoena served on me until just a few minutes ago.

Mr. CHUMBRIS. Everybody under subpoena as a witness—or rather, anybody who was subpoenaed as a witness was not allowed to come into the hearing, because either he or she was a prospective witness.

Mr. GG. No one made it clear to us. There were many of our folks there who were not subpoenaed. That is why I wondered.

Mr. CHUMBRIS. It is open to the public. Those testifying, after they testified sat in the audience, and they listened until they voluntarily excused themselves.

Mr. GG. I just wondered what this consisted of. We hope we are freeborn American citizens. We are here to develop our own agency, and to try to live in accordance with the laws as we can interpret them, which every other American citizen tries to do. We only want our rights, and that is all.

Mr. CHUMBRIS. Did you have any children taken from you by the court?

Mr. GG. Oh, yes.

Mr. CHUMBRIS. And the mother of these children, has she been released by the court also?

Mr. GG. Yes; that is right.

Mr. CHUMBRIS. Did either you or the mother of these children have to make a promise to the judge that you would not practice polygamy or have wives from that time on in order to have the children released to your custody?

Mr. GG. I remember something like that. I don't remember just exactly how it was.

Mr. CHUMBRIS. Do you feel that since that time you have complied with that order of the court?

Mr. GG. Yes, sir.

Mr. CHUMBRIS. And as I gathered, you are living with your legal wife, and not with any plural wife?

Mr. GG. That is right.

Mr. CHUMBRIS. And you are not practicing polygamy any longer?

Mr. GG. I am away on business, in and out so much, I am here very seldom. I think that Mrs. Nyborg knows that.

Mr. CHUMBRIS. You mean that you are very seldom here with your legal wife?

Mr. GG. Yes.

Mr. CHUMBRIS. How many children do you have?

Mr. GG. Four.

Mr. CHUMBRIS. Are they by the legal wife or by a plural wife?

Mr. GG. I have four by my legal wife.

Mr. CHUMBRIS. Do you have any by a plural wife?

Mr. GG. Yes; I do.

Mr. CHUMBRIS. Would you tell us how many? I mean, this has already been given in the previous proceedings.

Mr. GG. That is why I was wondering if you needed a duplication of that.

Mr. CHUMBRIS. As a matter of fact, it is not important that you answer that particular question, so if you don't want to answer that, that is perfectly all right. The main thing we want to know is are you or are you not at this time living with your plural wives and practicing polygamy?

Mr. GG. I think it is common knowledge that they are still down in Mesa and Phoenix.

Mr. CHUMBRIS. Are they going to stay there?

Mr. GG. They will stay there until we can make school arrangements to have them somewhere else.

Mr. CHUMBRIS. That is for the support of the children, is that correct?

Mr. GG. That was our agreement.

Mr. CHUMBRIS. Do you intend to at some later date rejoin your plural wife and practice polygamy?

Mr. GG. According to the counsel we have been given by our leaders, we are to provide for our wives and children, and that is what we intend to do.

Mr. CHUMBRIS. That is for their support?

Mr. GG. That is for their support.

Mr. CHUMBRIS. But so far as considering her as your wife, you are going to discontinue that?

Mr. GG. We have been instructed along that line.

Senator LANGER. To discontinue?

Mr. GG. That is as I understand it; yes.

Mr. CHUMBRIS. Then you are going to abide by the laws of the State, even though it does conflict with your religious belief?

Mr. GG. We intend to live up to that to the best of our ability, that is right.

Mr. CAINE. Mr. GG, do you also have in mind making an effort to have the law regarding polygamy changed? Is that not correct?

Mr. GG. Of course, you have all of this information, this investigation and the other investigation that have gone on in the past. We feel that the constitutional provisions originally given to live in the

religion of our choice, according to the dictates of our conscience, according to the Bill of Rights, and we believe that the Congress should make no law respecting the establishment of religion or the free exercise thereof.

According to some of the people who were instrumental in framing the Edmond-Trucker law, and other laws against this, they felt that it was not exactly according to the Constitution and the Bill of Rights, that it was class legislation against the Mormons.

Those are the records we have on the history, and naturally, in lieu of that fact we feel that eventually some law should be changed or altered, at least, where a man may live according to the dictates of his own conscience, according to the faith and religion that he has.

MR. CAINE. By that you mean that if the present laws in Utah and Arizona were changed to permit plural marriages legally, that would resume the practice of plural marriages and living in polygamy?

MR. GG. As you men all know, that is such an indefinite thing.

MR. CAINE. But if such a thing did happen?

MR. GG. We don't know, our minds may change in that interval.

MR. CAINE. But in your present frame of mind, as you feel today, if the laws were changed to make it legal, would you resume the practice of polygamy?

MR. GG. The social laws, if they were changed, yes, if it were agreeable with everybody, naturally we would go along with them, just as they do in New Zealand and in Ireland and in other countries that you are aware of.

MR. CAINE. I think you have answered it in the affirmative, that you would?

MR. GG. That is true; yes.

MR. CAINE. Now then, if that is your present frame of mind, will you teach the "principle" I believe that is the phrase that is used when polygamy is referred to, that it is referred to as the "principle," is that not right?

MR. GG. It is referred to as "The principle," yes.

MR. CAINE. Being in your present frame of mind, will you teach the principle to your children, even though the law has not been changed to permit the practice?

MR. GG. Well now, are you acquainted with the teachings of the Church of Jesus Christ of the Latter-day Saints, and the doctrine and covenants and those books and Bible?

MR. CAINE. I have made an extensive study of them, but when you ask me if I am familiar with them, I will say, "No." However, I have made an extensive study, and I have tried to become well versed in them, but my question is, even though you will not practice polygamy yourself, will you teach polygamy to your children?

MR. GG. Well, you may think that I am evasive, but I don't feel that way, at least. The good old Bible, the King James version, tells us of those things. Now, if you mean I am going to tell them, "You go read the Bible, and you will find out all these things yourself," I intend to do that, yes, and the Mormon teaching and the Catholic teaching, and all the Protestants, we like to investigate and study what the others believe too. I will encourage them to read those

things, but not with the view of enforcing any of those things. We don't believe in enforcing anything.

Mr. CAINE. Well, then, in your present frame of mind, as you feel toward your belief, would you teach your children that polygamy is a better way of life than the system of 1 wife to 1 man, "monogamy" in other words?

Mr. GG. Under some circumstances there is no doubt there are some advantages, but so far as the accepted practice today, it is impossible to carry it out.

Mr. CAINE. But would you point out to your children, in your teaching of them at home, that in your opinion the principles of polygamy are better and superior to the principles of monogamy?

Mr. GG. I have been too much of a free person, I guess, and my parents allowed me my own choice, and I intend to do the same, God being my helper, giving them their freedom, their agency.

Mr. CAINE. You will allow them to make their own choice; is that right.

Mr. GG. That is right.

Mr. CAINE. Are you going to instruct them as to which of the two you think is a better system?

Mr. GG. Not any more than by government.

Mr. CAINE. I take it from what you have said that you will point out to them the theory and practice of the principle of polygamy?

Mr. GG. My parents have always pointed out to me the beautiful stories of Abraham, Isaac, Jacob, and others. I don't know that their calling those stories to my attention have had any effect on me. My parents never sat down and said, "This is how it shall be." We have been free to read those things and choose for ourselves.

Mr. CAINE. Are you going to make such literature available to your children?

Mr. GG. Universities and libraries throughout the State have the same information, and I do intend to have it available for them, yes.

Mr. CAINE. All right. Now, for Mr. Chumbris' information, I would like to ask you a question concerning the conditions and promises to which you were a party, that were laid down in a criminal case, where you had entered a plea of guilty, and I am reading from a transcript, and this is from Judge Tullar, and, as you recall, here is one of the conditions:

Lastly, it will be required that you state in writing that you have not practiced polygamy during the preceding 30 days. I think it is not necessary to define the the word to you. I think you all well know what I mean. This requirement is a token of my respect for you. It would be meaningless to require it of the ordinary offender. I believe you are all men of honor and trustworthiness.

Was that one of the conditions?

Mr. GG. Yes; we sent those reports in.

Mr. CAINE. Then at the end of the probationary period, which was December 1, 1954, you were released from such a condition?

Mr. GG. That is right.

Mr. CAINE. Being released from that condition, I take it from what you have said here, that you do not intend to practice polygamy, knowing that it is against the law?

Mr. GG. That is right.

Mr. CAINE. Do you reserve in your mind that the practice in certain jurisdictions, where you are satisfied it is against the law, such as in

Utah, that you will not practice polygamy in Utah, but that if you felt that it was legal in Arizona, you would practice it in Arizona?

Mr. GG. I don't have that intention.

Mr. CAINE. That is all.

Mr. CHUMBRIS. No further questions.

Senator LANGER. That is all as far as I am concerned. Thank you, gentlemen.

Mr. CHUMBRIS. Senator, this is Mr. JJ.

Senator LANGER. Will you raise your right hand and be sworn, please?

Do you solemnly swear that the testimony you are about to give in this matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JJ. I do.

TESTIMONY OF MR. JJ, SHORT CREEK, ARIZ.

Mr. CHUMBRIS. What is your full name?

Mr. JJ. ————

Mr. CHUMBRIS. Mr. JJ, we are here this morning, as a United States Senate subcommittee, investigating juvenile delinquency, and we are conducting a hearing to get the facts from the people in Short Creek. We had hearings in Phoenix last week among other matters, and it was brought to our attention the problem of plural wives and polygamy in the Short Creek area. We heard the witnesses who came before us, and the Senator and the subcommittee decided to come here this morning so that we could talk to the people of Short Creek and obtain their ideas on the practice of plural wives and polygamist marriages.

In view of that, you have been called as a witness, and we would like to get some facts from you.

First we would like to know your address.

Mr. JJ. Just Short Creek.

Mr. CHUMBRIS. What do you do?

Mr. JJ. Oh, I am engaged in building a good deal of the time, farming, and various other activities here.

Mr. CHUMBRIS. Are you married?

Mr. JJ. Yes, sir.

Mr. CHUMBRIS. What is your wife's name?

Mr. JJ. Mrs. JJ.

Mr. CHUMBRIS. Mrs. JJ; is that it?

Mr. JJ. Yes, sir.

Mr. CHUMBRIS. Were you one of the defendants in other case?

Mr. JJ. Yes, sir.

Senator LANGER. Then we have all that of record.

Mr. CHUMBRIS. Yes.

Now, Mr. JJ, you admitted, I understand, in the other case that you had a plural wife; is that correct?

Mr. JJ. Well, I presume so. I acknowledge my children, if that is what you mean.

Mr. CHUMBRIS. I understand that in the other proceedings you were required to promise the court that you would not practice polygamy any longer; is that correct?

Mr. JJ. I don't just recall exactly as to that.

Mr. CHUMBRIS. Then let me ask you this question: Since that time have you engaged in polygamist practices here in Short Creek or nearby areas?

Mr. JJ. Well——

Mr. CHUMBRIS. Do you have a plural wife that you are living with?

Mr. JJ. I have had several plural wives that I have always acknowledged, since they were given to me, and I am trying to support them and their children.

Mr. CHUMBRIS. I would like to read there from the transcript of the record:

Lastly it will be required that you state in writing that you have not practiced polygamy during the preceding 30 days. I think it is not necessary to define the word to you. I think you all know what I mean. This requirement is a token of my respect for you. It would be meaningless to require it of the ordinary offender. At least, however, that you are all men of honor and trustworthiness.

Now, you say that certain wives have been given to you, and you have fulfilled your obligation of taking care of them, is that correct?

Mr. JJ. Yes, sir. That is as I understand it.

Mr. CHUMBRIS. Since this direction of the judge in the proceedings that we were mentioning here this afternoon, are you now practicing polygamy? Do you have a plural wife that you are taking care of, other than paying for support of the children?

Mr. JJ. Well, no; I am taking care of the children and supporting these women.

Mr. CHUMBRIS. Are they living with you?

Mr. JJ. No, not in the sense you mean, I presume.

Mr. CHUMBRIS. What is that?

Mr. JJ. Not in the sense you mean, I presume.

Mr. CHUMBRIS. Are you living with them as husband and wife?

Mr. JJ. No.

Mr. CHUMBRIS. But you are taking care of their support?

Mr. JJ. Yes, sir. I might explain that my wife here, whose name you wrote, I presume, is practically an invalid. One of the other women is taking care of the house.

Mr. CHUMBRIS. One of the other plural wives is taking care of the household?

Mr. JJ. Yes.

Mr. CHUMBRIS. And she lives in the same household with you and Mrs. JJ?

Mr. JJ. That is correct.

Mr. CHUMBRIS. But she is there only as a caretaker, is the way you view it?

Mr. JJ. Yes, sir; that is right.

Mr. CHUMBRIS. Then so far as you are concerned you are living up to the direction of the court?

Mr. JJ. I am doing my utmost to comply with the requirements of the law.

Mr. CHUMBRIS. And you intend to continue to do that?

Mr. JJ. Yes, sir.

Mr. CHUMBRIS. Have you taught your children to believe in polygamy?

Mr. JJ. I teach my children the standard works of the Latter-day Saints Church, like I have been raised in myself, as far back as I

can remember, which embraces that along with everything else that it involves.

Mr. CHUMBRIS. Your religious belief is not fully in line with the belief of the Church in Salt Lake City; is that correct?

Mr. JJ. Well, since it has abandoned some of these things, that is true.

Mr. CHUMBRIS. Your mother and father, were they members of the same faith?

Mr. JJ. Yes, sir; and their parents before them.

Mr. CHUMBRIS. Do they believe in plural marriages?

Mr. JJ. Yes.

Mr. CHUMBRIS. They did not believe in the beliefs followed by the greater majority of the Mormons?

Mr. JJ. Well, they believed in the original Mormonism.

Mr. CHUMBRIS. The orthodox group?

Mr. JJ. As originally given, yes. But in later years, as far back as I can remember, the church generally abandoned that part of it.

Mr. CHUMBRIS. Do you know of anyone in Short Creek or this area who is practicing polygamy or living with plural wives at this time?

Mr. JJ. No, sir, I don't.

Mr. CHUMBRIS. Do you know of any children who have been born of plural wives since 1953, when this arrest took place?

Mr. JJ. No, sir.

Mr. CHUMBRIS. Do you know of any plural wives who are bearing children now, or who may be going to have children in the near future?

Mr. JJ. No, sir.

Mr. CAINE. You are familiar with the so-called Manifesto of 1890, are you?

Mr. JJ. Yes, sir.

Mr. CAINE. That was a document signed by the then President Woodruff renouncing the practice of polygamy, so far as the Mormon Church was concerned?

Mr. JJ. Yes, sir.

Mr. CAINE. In the Truth magazine, one of the publications issued by the United Effort group, I found an explanation by your group as to the effectiveness and the validity of the Manifesto of 1890. Do you have that in mind?

Mr. JJ. Well, I don't recall exactly what you have reference to.

Mr. CAINE. Well, could you tell Senator Langer what your group feels as to the validity of the Manifesto of 1890, and why it was adopted?

Mr. JJ. I prefer, Mr. Caine, to give my own view rather than the view of the group, and let each one speak for himself.

Mr. CAINE. I think that would be acceptable.

Mr. JJ. As I understand it, as far back as 1831, when Joseph Smith was translating the Bible, he observed the favor that certain men had with the Almighty, and they were at the same time living polygamously and had a number of wives—Abraham, Isaac, Jacob, and others, for example.

He inquired of the Lord, and the Lord revealed to him that it was a correct law, and that it could be adopted by the Latter-day Saints people, and they accepted it August 1851, and the church practiced and advocated it until 1890.

Then the church, as such, abandoned the practice, but many of its officials continued to practice that order of marriage, as had been commanded by the Lord. That is my understanding of the thing. I accept that: that is part of my family. My grandfather and others have served time in the penitentiary, like the Prophet did, for following it. Both of my grandfathers served time.

You understand, there was no law in the United States against it for many years, after this practice was undertaken by the Latter-day Saints people.

When the law was enacted against it, it seemed to us a violation of the constitutional rights, and we felt that there should be no law concerning the free exercise of religious belief, insofar as it did not interfere with other people's rights and privileges.

It has also been my thought, my theory and my principle, and it seems correct to me, if it is a matter that interferes with somebody else's rights, privileges and prerogatives, it would seem quite a different thing, but insofar as it does not, that is religion, to me.

To try to conform to all the laws of the United States and the laws of the church, too, for that matter, so far as they do not interfere with my right to worship according to the dictates of my conscience.

MR. CAINE. MR. JJ, I have read, and I would like to ask you to either verify or dispute the fact, that your group contends that President Woodruff issued the Manifesto of 1890 with the thought that it would enable you to become one of the States in the Union, and that the Congress would accept the constitution of the State of Utah, and then pass the necessary laws—with the idea in mind that immediately after Utah became a State they would take such necessary action to legalize, in Utah, polygamy, but because of the clauses contained in the enabling act, they were not to do it without further getting consent of Congress, which they never got.

Is that your understanding?

MR. JJ. Well, I believe so.

MR. CAINE. But the Manifesto of 1890, denouncing the practice of polygamy, was just an action necessary to become a State; is that right?

MR. JJ. I always understood so, and having investigated the matter to satisfy my own mind, I found that to be the case.

MR. CHUMBRIS. You may be excused.

SENATOR LANGER. I want to thank you very much.

MR. CHUMBRIS. Senator, may I suggest that we recess at this time for luncheon?

SENATOR LANGER. We will take a short recess.

(Whereupon, at 1:10 p.m., the subcommittee recessed, for luncheon.)

AFTERNOON SESSION

MR. CHUMBRIS. This is David F. Anderson, Judge Anderson, Senator Langer.

SENATOR LANGER. I am glad to know you, sir.

Will you raise your right hand and be sworn, please.

Do you swear that the testimony you are about to give in this pending matter will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. ANDERSON. I do.

TESTIMONY OF DAVID F. ANDERSON, EX-JUDGE, UTAH SIXTH DISTRICT, JUVENILE COURT, ST. GEORGE, UTAH

Mr. CHUMBRIS. Judge Anderson, will you state your full name, please?

Mr. ANDERSON. David F. Anderson.

Mr. CHUMBRIS. And what is your address?

Mr. ANDERSON. 443 West 300 North, St. George, Utah.

Mr. CHUMBRIS. Is that your office or your home?

Mr. ANDERSON. Home.

Senator LANGER. What is your office address?

Mr. ANDERSON. 60 North Main Street, St. George, Utah.

Mr. CHUMBRIS. And what is your profession?

Mr. ANDERSON. I am an attorney.

Mr. CHUMBRIS. I understand that you were a judge?

Mr. ANDERSON. Yes, I was judge of the Utah Sixth District Juvenile Court, from February 11, 1953 to March 1, 1955.

Mr. CHUMBRIS. Would you give for the record the counties you had jurisdiction over.

Mr. ANDERSON. Beaver, Iron, Washington, and Kane, in Utah.

Mr. CHUMBRIS. In your own words, would you please tell the subcommittee some of your experiences on the bench with the problem of plural wives and polygamous marriages in this area?

Mr. ANDERSON. Yes.

The problem first came before the juvenile court immediately following the action taken by the State of Arizona in July of 1953.

At that time I was informed that the State of Arizona was taking action in the way of criminal prosecutions against the parents residing in Short Creek, both in Arizona and on the Utah side, and the juvenile court in Arizona was taking action to determine whether or not the children who lived in Arizona were neglected.

It was called to my attention at that time that approximately one-third of the community of Short Creek was located in Utah, and that we had approximately 80 children on the Utah side.

At that time I asked the probation officer of the juvenile court, and the sheriff, and the representatives of the Washington County Public Welfare Department, to make an investigation to see if some action ought not to be taken by the Utah Juvenile Court.

As a result of the investigation that was made, approximately 20 petitions were filed in my court alleging, in substance, that the 80 children who lived in Utah were neglected, because their parents were living in polygamy, and teaching the children that when they came of marriageable age it was their duty to enter into polygamous marriages.

After those petitions were filed, I held several conferences with representatives of the United Effort group here at Short Creek, and their counsel, Mr. Horace Knowlton, of Salt Lake City, discussing the problem for the purpose of seeing if the people would agree to comply with the law, with the idea in mind of dismissing the petitions, if they would agree to that.

The Short Creek people took the position that the practice of plural marriages was a matter of their religious duty, and they considered the law of God, as they referred to it, to be above the law of man,

and that they could not obey the laws of man where they conflicted with the law of God.

I then brought the first case of Mr. J and his allegedly plural wife, Mrs. J3, and their 8 children—I should say it was the case of the 8 children that was brought before the court.

That hearing took place, I believe, in April 1954. My judgment in that case, or my findings of fact, first, were that the J's had lived in polygamy continuously for 20 years prior to July of 1953; that Mrs. J3 was a second and plural wife of Mr. J; that they had lived in that polygamous relationship in the home where their children were raised, and that they had belonged to a group out here in Short Creek known as the United Effort group, most of whose members practiced and advocated the practice of polygamy.

I then entered a judgment to the effect that the home of Mr. J and Mrs. J3 was an unfit home and an immoral environment for the rearing of children, and that the custody of the eight children should be taken from the parents and placed in the Utah State Department of Public Welfare.

The Utah Department of Public Welfare was instructed to place the children in foster homes on a temporary 1-year basis. I further ordered in that case that at the end of the 1-year period the case was to come back in for further hearing, in order to determine whether the children ought to be returned to their parents, because they had reformed and were willing to comply with the law, or whether the children should be placed permanently in adopted homes, if suitable homes could be found.

I also ordered in that judgment that if the parents were willing to sign a written statement to the effect that they promised to comply with the law themselves, and to teach the children to comply with the laws, regardless of any religious belief they might have to the contrary that they would be permitted to retain custody of the children.

I gave the parents, I believe, either 15 or 30 days to sign an affidavit to that effect. The parents refused to sign.

I then ordered the probation officer of the court to take custody of the children, and turn them over to the State welfare department.

The parents then sued out a writ of habeas corpus from the Utah Supreme Court, which was returnable before the district judge, William Stanley Dunforth, of the Utah Fourth District Court in Provo, Utah.

The hearing on that writ of habeas corpus took place, I believe, in June of 1954, and Judge Dunforth ruled that the judgment I had entered was unconstitutional, that it violated the freedom of religion, and freedom of speech provisions of the United States Constitution, insofar as it attempted to interfere with the parents' right to teach their children what they wished to teach them.

At the same time the polygamists appealed from my judgment directly to the Utah Supreme Court, in order to test the constitutionality of the judgment.

The Utah Attorney General appealed from the decision in the habeas corpus proceeding, but at the hearing of that matter before the Supreme Court of Utah it was agreed by the attorney general and counsel for the Js that the constitutionality of my judgment would be offered on a direct appeal from my judgment, and not on the appeals from the habeas corpus proceeding.

The appeal from my judgment is pending before the United States Supreme Court. It has been argued, but the decision has not come down. It is still pending. The decision has not been issued by the Utah Supreme Court.

In my opinion, there is a very difficult and close question of constitutional law involved, namely, does there have to be an immediate danger that parents' teachings and instructions will cause a child to go out and commit a crime, or do the juvenile courts have the authority to look into the future and prevent children from being indoctrinated with religious beliefs which will cause them to violate the law when they become of marriageable age.

No further action was taken in the case after my judgment in the spring of 1954, pending a decision by the Utah Supreme Court on the constitutional problems involved.

I feel that in order to properly appreciate the problem raised by polygamy, it should be understood that the people professing to follow their belief in polygamy are entertaining that belief as a matter of genuine and sincere religious conviction, a fanatic religious conviction, and I would say that they are not, as sometimes has been said, people who are basically licentious and lustful, and engaging in polygamy for that reason.

All of my contact with them indicated to me, aside from polygamy, that they were a very good law-abiding, moral type of people. It was my opinion, in entering the judgment that I did in the *J* case—and it is still my opinion—that the only way that the children of these polygamous families can be prevented from going into polygamy is by permanently separating them from their parents at a fairly early age, so that they will not be exposed to the fanatic religious teachings.

I believe if that is not done, and they are allowed to become indoctrinated with the polygamous belief, until they become of marriageable age, that it is then too late to take any action to successfully keep them from going into polygamy.

The information available to me in these cases indicated that a great majority of the children who came from these polygamous families went into polygamy themselves.

Mr. CHUMBRIS. Judge, do you have a copy of your findings, facts, and conclusions? I mean, do you have a copy of your findings of facts and conclusions?

Mr. ANDERSON. No; I do not have a copy of those with me.

Mr. CHUMBRIS. Could you mail the subcommittee a copy?

Mr. ANDERSON. If I can get one from the present juvenile judge. All of the records and files are in the possession of the present judge at Cedar City, Utah.

I do have a copy here of a letter which I wrote to the attorney for the polygamists, in January of 1954, prior to the time the case came up for hearing, setting forth my position on the problem, so that these people would all be advised as to what action would be taken, if they were found to be violating the law, at the hearing.

Mr. CHUMBRIS. May we have this made a part of our record?

Senator LANGER. It is so ordered. Let it be exhibit No. 9.

(The letter referred to above was marked "Exhibit No. 9, "and reads as follows:)

EXHIBIT No. 9

JANUARY 26, 1954.

To the Parents of Short Creek, Utah, care of Horace J. Knowlton, Esq., Attorney at Law, Salt Lake City, Utah:

This letter is addressed to those of you who entertain a religious belief that plural marriage should be practiced, although in violation of the laws of Utah, and who have acted in accordance with that belief. It is not intended as an accusation against those persons who may be entirely innocent in the matter, but merely takes notice of the common knowledge that some persons at Short Creek have practiced plural marriage.

It has been 7 months since the State of Arizona took action against the residents of Short Creek suspected of practicing polygamy and petitions were filed in this court alleging that children were neglected because they were being raised in homes where plural marriage was practiced and/or advocated. During that period there have been several conferences at which some of you, your counsel and representatives of the court were present and the significance and purpose of the juvenile court proceedings were made clear to you.

Under the existing laws of Utah there can be no question that a home in which polygamy is practiced and advocated is an immoral and unfit home for children. It is a tragic thing that people who otherwise appear to be of high moral character should entertain a religious belief leading them to the commission of a felony and to the encouragement of similar conduct on the part of their children as they become of age. However, it is basic to our democratic form of government that valid and constitutional laws enacted by our legislature must be upheld regardless of the fact that there may be some people who do not believe in them. Otherwise all government and organized society would soon disintegrate. As you are no doubt aware, our Utah Constitution contains a provision forever prohibiting the practice of polygamy and our statute against polygamy has been upheld under the United States Constitution by both the Supreme Court of Utah and the Supreme Court of the United States.

Some of you apparently feel that you are being treated unfairly because the court has never before undertaken to inquire into the interest of children being raised in polygamist homes. This is a justified criticism of the court, but as the necessity for action is clear, it merely emphasizes the need for action now.

It is the special province of the juvenile courts of this State to look after the interests of children and to be aware of the emotional problems that arise in connection with the growth and development of a child. The court is particularly aware of the emotional scars which may be inflicted upon a child who is separated from one or both parents to whom he is strongly attached. The recognition of this fact has been one of the reasons why the juvenile court proceedings have been continued for several months. It has been earnestly hoped that by making it clear to the parents concerned that children would have to be removed from polygamist homes, the parents could in some way reconcile their beliefs and practices so as to permit them to live in accordance with the law and thereby avoid inflicting a heartbreaking separation upon their innocent children.

Some of you seem to have assumed that because the court recognizes the serious problem involved in removing the children from their present homes, therefore no such action would be taken no matter what the conduct of the parents. This is a false assumption. It is obvious that it is better to remove children from unfit homes and face child placement problems now than it is to permit children to grow up in a way of living and thinking which will surely lead them to prison in their adult life. The need for action by the court or a change of attitude and practices by parents is particularly acute in the cases of those children in their teens who are approaching marriageable age.

At the conference held at Short Creek January 25 it was represented to the court that the Utah parents are not now either practicing or teaching plural marriage and that families are appropriately segregated. However, the court was given no assurance that this state of affairs would continue beyond the time the fathers are under suspended criminal sentence imposed by the Superior Court of Mohave County, Ariz. The cases were all set for trial on March 25, 1954, and the parents concerned given until February 25 to submit to the court sworn statements to the effect that they would forever desist from practicing

polygamy and teaching the doctrine to their children and that they would otherwise comply with the laws of Utah relating to marriage and sexual offenses. If these statements are submitted to the court and the court is satisfied that polygamy is not being practiced or taught to the children and that the parents are otherwise complying with the Utah laws relating to marriage and sexual offenses, then the cases will be continued to a date certain for further observation. If this procedure is followed by the parents, further sworn statements will be required from time to time as to present and past conduct of the parents until the court is satisfied from the statements and investigation that there is compliance with the law. At that time the cases will be dismissed.

The above procedure which was outlined to you at Short Creek on January 25 will provide a method of handling the cases of those families who desire to cooperate without the necessity of what will probably be prolonged hearings. If sworn statements are not submitted to the court by February 25, then those cases will be heard on March 25 or as soon thereafter as possible. If it is proved at any hearing that a home is unfit because of the practice and/or teaching of plural marriage or because of any other violation of Utah laws relating to marriage or sexual offenses, the parents will be given the opportunity to submit sworn statements to the court at the time of entry of judgment. The statements required will be similar to those required of the parents who do not desire a hearing. However, if any home is proved to be unfit, judgment will be entered awarding the right of custody of the children concerned to the Utah State Department of Public Welfare. The parents will be permitted to retain actual custody of their children only if sworn statements are submitted at the time judgment is entered and periodically thereafter and the court is satisfied from investigation that there is at all times compliance with the laws relating to polygamy, marriage and sexual offenses.

Since these cases have been pending for 7 months during which time the parents concerned have been aware of the full import of the proceedings it appears obvious that if a home is adjudicated to be unfit and the parents have not made up their minds to comply with the law by the time judgment is entered, then there is no reasonable ground for believing that a change will occur in the future. Therefore the custody of children coming from those homes will be awarded to the Utah State Department of Public Welfare and the department will be instructed to place the children for adoption.

The course of action to be taken by the court in the event that a home is found to be unfit has been outlined for you in the earnest hope and desire that full understanding and forewarning may save some children from being permanently separated from their parents.

It is almost inconceivable that you would be willing to compromise your beliefs in order to avoid a 1 year prison sentence for the fathers but would not be willing to change your ways for the sake of your children. How could this be justified?

It is up to you to decide whether you will comply with the law or will force the court to take the action outlined where the unfitness of homes is proved.

Very truly yours,

— — — — —, Judge.

Senator LANGER. You may proceed

What is the name of that case in the Supreme Court?

Mr. ANDERSON. That is the State of Utah, in the interest of the eight J children. I do not recall their names.

Senator LANGER. I thought you made a stipulation whereby it was consolidated with another case.

Mr. ANDERSON. The Attorney General made that stipulation.

Senator LANGER. What was the name of that case?

Mr. ANDERSON. The appeal of the habeas corpus proceedings was entitled "Leonard Black and Vera Johnson Black v. David F. Anderson, et al." I don't know the case number.

Senator LANGER. I wonder if you would be so kind as to advise the clerk of the Supreme Court of Utah that we would like to have a copy of that opinion the moment it comes down.

Mr. CHUMBRIS. Yes, sir.

Mr. ANDERSON. I may have something that will give the title of that case. I have a number of copies of what is known as the Truth magazine, the magazine published by the Fundamentalists, and it may contain the title of that case.

Mr. CAINE. It refers to it as the J case.

Mr. ANDERSON. The J case was the habeas corpus proceeding.

Our juvenile court proceedings are entitled "State of Utah, in the interest of the eight children," and then it listed the names of the eight children, and I do not recall their names at this time.

Mr. CHUMBRIS. Are you going to leave these with the committee?

Mr. ANDERSON. Yes, sir; and I have a few paper clippings from the Salt Lake Tribune that may be interesting.

Mr. CHUMBRIS. Judge, could you briefly summarize some of the conditions which you have found that would make it an unfit home and a poor environment for the J children to live in, and thereby come to the conclusion that they should be placed with the State welfare, under the jurisdiction of the State welfare board?

Mr. ANDERSON. I found from the testimony of two of the J children, one an 18-year-old boy, and the other a 12-year-old girl, that they appeared to be firmly indoctrinated with the belief in polygamy.

I felt that some action had to be taken to correct that belief in the minds of those children, and in the minds of the other children in the family, before it was too late.

Mr. CHUMBRIS. What did you find the conditions under which they lived to be?

Mr. ANDERSON. As I recall the testimony, in my findings, Mr. J, prior to July of 1953, maintained two homes in the community of Short Creek. One, as I recall, in which his legal wife and children by his legal wife resided, and the other in which his two plural wives and their children resided.

Those two homes were in the community of Short Creek, about half a mile apart, if I remember the testimony.

The children both testified that they knew their parents were living in a plural marriage relationship.

Mr. CHUMBRIS. Was Mr. J able to support these, what would amount to three different families?

Mr. ANDERSON. He testified, through his own efforts and assistance he received from the United Effort storehouse, that he was able to support them, and there was testimony given at the hearing that they were never seriously in want.

Mr. CHUMBRIS. That they were never seriously in want?

Mr. ANDERSON. Yes.

Mr. CHUMBRIS. Now, under what standard is that taken, when you say they were never seriously in want? How is that home comparable to the ordinary home that a comparable family would be reared in?

Mr. ANDERSON. I was never in the J home. I have been in several of the homes here at Short Creek, and I would say, that on the average, they have a very low standard of living, but so far as any information given to me, they appear to have had adequate food and clothing to meet the minimum necessities of the children.

Mr. CHUMBRIS. The main point that was raised was the fact that the children were constantly being taught about polygamy and the religious belief of plural wives; is that correct?

Mr. ANDERSON. Yes. And they were exposed to the actual practice of it.

Mr. CHUMBRIS. Other than the J case, did you have any cases before you?

Mr. ANDERSON. Yes. There are still, I believe, 19 petitions pending before the sixth district juvenile court, which I assume my successor will bring up for hearing, if the Supreme Court decides that my judgment was constitutional.

Mr. CHUMBRIS. These 19 petitions have been held in abeyance until the Supreme Court decides; is that correct?

Mr. ANDERSON. That is correct.

Mr. CHUMBRIS. Was that by stipulation of the parties?

Mr. ANDERSON. No. I just did that of my own accord, because I felt that there was a serious constitutional problem involved.

Mr. CAINE. What is the legal age for the marriage of females in Utah?

Mr. ANDERSON. A girl must be at least 14 in order to marry, with her parents' written consent. After she reaches the age of 18, she can marry without her parents' consent.

Mr. CAINE. In your investigations did you have occasion to determine the ages of any of the girls at the time of their marriages?

Mr. ANDERSON. Yes; certain information was submitted to me, and I believe 2 or 3 of the petitions filed in my court alleged that girls between 14 and 16 years of age had been married to men considerably older, and had borne their children.

Mr. CAINE. Had been married to them as plural wives or legal wives?

Mr. ANDERSON. As plural wives.

Mr. CAINE. Did you ever have any occasion, or any instance, I mean, of a female under the age of 14 entering into a plural marriage?

Mr. ANDERSON. I had no specific information along that line, but I did hear talk and rumors to the effect that that had happened on several occasions here at Short Creek.

Mr. CAINE. It is very difficult to dig out and prove all of those things, isn't it?

Mr. ANDERSON. Yes, that is right.

Mr. CAINE. Have you read some of the abuse from the Truth magazine that you have had to take?

Mr. ANDERSON. Yes, I have been following that since I became involved with the problem, and I might in that respect, that the polygamists seem to attempt to make a personal issue out of their problems with any judge, sheriff, or county attorney, or public official who attempted to enforce the law against them.

They accuse public officials of acting out of pure malice, rather than merely doing their job in enforcing the law. That, generally, was the position they took toward me.

Mr. CAINE. You were not alone in that abuse, were you?

Mr. ANDERSON. I don't think so.

Mr. CAINE. I know I have been subjected to some of it here.

Mr. ANDERSON. I received approximately somewhere in the vicinity of 75 to 100 letters from all over the intermountain West, some from Canada, attacking me as an immoral person, a person who was filled with hatred and malice toward the polygamists, and condemning me to the devil for all time because of the action I was taking.

Mr. CAINE. May I ask, what is your religious affiliation?

Mr. ANDERSON. I am a member of the Mormon Church. However, not an active member, and I have not been for many years.

Mr. CAINE. There is a distinction between the Church of Jesus Christ of the Latter Day Saints, over which President McKay presides, and this group of Fundamentalists, is there not?

Mr. ANDERSON. It is my understanding that the Fundamentalists have all been excommunicated from the Mormon Church.

Mr. CAINE. Their beliefs and practices are not the same as those of the Church of Jesus Christ of the Latter Day Saints?

Mr. ANDERSON. Certainly not regarding polygamy. Other than that, I believe the doctrines are quite similar.

Mr. CAINE. That is all.

Senator LANGER. If they attacked you, you look quite healthy and well able to take it.

Mr. ANDERSON. The polygamists never threatened any physical violence, or anything of that sort.

Mr. CAINE. Could I ask the judge what he, in his opinion, thinks the solution of this problem is?

Mr. ANDERSON. I think the only solution is something along the line of the judgment I entered in the J case, that if the children are to be prevented from going into polygamy, they will have to be taken from the custody of their parents and placed in a new environment.

I don't think anything short of that will be successful in preventing them from going on.

Mr. CAINE. You do look upon it as a juvenile problem?

Mr. ANDERSON. I looked upon it as both a juvenile problem and a criminal law enforcement problem.

I think if it were possible to secure the evidence to convict both husband and wives, and put them in jail, that certainly would be a help, but I believe that the problems in law enforcement are so difficult there, and the formalities of the criminal court proceeding such an obstacle, that it will take both criminal law enforcement and a juvenile court proceeding in order to effectively cope with this problem from the standpoint of the children.

Mr. CAINE. Some of those obstacles, are they the fact that we are on a State line, so that they can freely pass back and forth across?

Mr. ANDERSON. Yes. That problem, and the problem that under criminal law procedures, of course, the parents are not required to, or cannot be required to, testify against themselves if it would incriminate them, and the proof must be beyond a reasonable doubt.

Under the Utah juvenile court law, the State, in the interest of the children, has to prove its case by a preponderance of the evidence, and there is a question as to just what the rights of the parents are, but it is my interpretation that the parents could be called as witnesses, and if they refused to testify concerning pertinent questions, that that might be considered as a part of the evidence in the case.

Mr. CAINE. Take, for example, if in Arizona we tried to prosecute under a charge of statutory rape, would we not be apt to be confronted with a question of venue as to whether the crime was committed in Utah or Arizona, and not being able to prove in which State it occurred?

Mr. ANDERSON. It is my understanding that it is a very difficult thing to prove.

Mr. CAINE. You think, then, that it might be better if venue, by reason of State lines, was not involved, and that the Federal Government might be able to intervene and perhaps do more than either 1 of the 2 states?

Mr. ANDERSON. In my opinion, that would be true.

If there is some way of getting at the problem so that venue is not involved, I think that would be very helpful.

Mr. CHUMBRIS. Do you have any facts to show the growth of this movement since they were excommunicated from the official Mormon Church?

Mr. ANDERSON. I have no facts, except what have been told me by others who have resided in this area.

Mr. CHUMBRIS. What is that?

Mr. ANDERSON. As I understand it, at the time of the Arizona action in July of 1953, the population here was in the vicinity of 400. I have been told by others that 10 or 15 years ago the population was between 50 and 100.

Mr. CHUMBRIS. How about on a national scale? I understand there are places other than Arizona and the southern part of Utah.

Mr. ANDERSON. From the letters that I have received, it would indicate that polygamy, or people believing in polygamy, reside over an extensive area in the intermountain West, and I have no way of estimating how many there are. I have heard estimates running anywhere from five to thirty thousand, as to the total number of polygamists—men, women, and children.

Mr. CHUMBRIS. Do you believe if aggressive action was not taken to correct the situation, that it would grow, and because of the laxity in law enforcement, that it would grow much faster?

Mr. ANDERSON. I believe very definitely that the size of the polygamist group will continue to grow unless some vigorous action is taken.

I think the entire history of the problem, since the year 1890, when the Mormon Church outlawed polygamy, indicates that.

I think, as a lifelong resident of Utah, it is my impression that the Utah authorities have more or less hoped that if they did not take too much action the problem might die, and it would not be there later on, but I think time has definitely proved that the group is growing, and that very, very vigorous action is necessary in order to stamp out the practice.

Mr. CHUMBRIS. I have no further questions.

Senator LANGER. Do you think that action should be Federal, as well as State?

Mr. ANDERSON. If there is some way that the Federal Government can come into the picture and assist the two State governments, yes, I do.

Senator LANGER. I think the subcommittee would likely resolve that the entire matter be referred to the Attorney General of the United States, if that is where you think it should go, for such action as they deem appropriate to take.

Mr. ANDERSON. I don't know under what laws or what procedure the Federal Government might be effective in this problem, but if there is some way they could be, then I definitely believe that the Attorney General ought to be apprised of the problem and we should ask him to assist in coping with it.

Mr. CHUMBRIS. Do you know of any Federal law that now exists which is ineffective to combat the carrying across State lines of girls who are what might be termed "being carried there for immoral purposes?"

Mr. ANDERSON. It is my understanding that in the cases held in this area, in the forties, the FBI ran into this problem of venue we have discussed, and it made it very difficult to cope with the problem and get sufficient evidence to prosecute under the Mann Act.

Mr. CHUMBRIS. But it would not be the ineffectiveness of the law itself; it would be an ineffectiveness in the manner of the administration of the law and the gathering of the proof, but the law itself is sufficient, the Federal law?

Mr. ANDERSON. In my opinion it is sufficient, except for the difficulty of getting the proof.

Mr. CHUMBRIS. In other words, being a legislative committee, we are also interested in recommending additional regulations.

Do you have any recommendations along that line for legislation?

Mr. ANDERSON. I would say that there is a need for both Federal and State legislation, generally, along the line of what I believe is the Smith Act with regard to communism. Whether it be the Smith Act or another act, I believe it is a Federal law which makes it a crime to be a member of the Communist Party, or to advocate the principles of communism.

I believe that such a law is necessary with respect to polygamy, that is, a law making it a crime to belong to an organization which advocates polygamy, and which advocates polygamy on the part of an individual; I believe that that ought to be made a criminal offense.

Mr. CAINE. Judge. I assume you have read the Truth magazine for some period of time?

Mr. ANDERSON. Yes, I have been reading it for about a year and a half now.

Mr. CAINE. It is a publication issued once each month, is it not?

Mr. ANDERSON. That's correct.

Mr. CAINE. From the magazine itself, it appears that it is published by the United Effort movement, or the advocates and teachers of polygamy: is that not correct?

Mr. ANDERSON. That is my impression.

Mr. CAINE. And is it not correct that there is not a single issue that comes out but what openly teaches or advocates the merits of polygamy?

Mr. ANDERSON. Every copy I have seen does that.

Mr. CAINE. Even though they know it is in violation of the State law.

Mr. ANDERSON. Yes.

I have seen many issues that exhorted the members to follow the law of God in preference to the law of man, where there was a conflict.

Mr. CAINE. And you receive that publication yourself?

Mr. ANDERSON. It is mailed to my law partner, LeRoy H. Cox. He defended 1 or 2 members of the group back in the trials in 1940, and ever since then he has been on the mailing list and getting copies of it.

Mr. CAINE. As a matter of fact, these are the covers in which they arrive, and they were placed in the United States mails?

Mr. ANDERSON. Yes, those are the covers they came in. One of them that I received was mailed out immediately in June 1954, following my judgment in the J case.

I do not have the issue that came in this cover. That issue was entitled "In Memoriam." It was a tribute to Joseph Musser, who, prior to his death, was referred to as the leader of the entire movement, and it contains a very good history of the beginnings of that movement.

I would recommend to the committee, if they could obtain a copy of that issue, that it would be very informative.

Senator LANGER. Will you see that we get one of those?

Mr. CHUMBRIS. Yes, sir.

Mr. CAINE. If this publication were not permitted to be mailed, do you think that the circulation would be accomplished anyhow?

Mr. ANDERSON. To some extent, but not nearly to the extent that it is now.

Mr. CAINE. Then, would you recommend to this committee that if by any chance there is a violation of the postal laws in the mailing of this magazine, that that phase be looked into?

Mr. ANDERSON. Yes, I would.

It is my understanding that the trials in Salt Lake, in the forties, showed that there was an effort to ban that publication from the mails, and that was based on the nature of the magazine at that time.

Mr. CAINE. Do you have any reason to believe that since this group returned to Short Creek, Ariz., here, in the last 30 days, that any new recruits have come to this section of the country?

Mr. ANDERSON. I have no information along that line.

I could say this: that a man by the name of Steed, who was purported to be a member of the group, recently purchased an entire vacant city block in St. George, and a rumor is that they will build on that block, and that some of them will move into St. George. This goes beyond Short Creek.

We have 2 or 3 families who are purported to be polygamists, I understand there are some in Hurricane, and the information that I obtained in the hearings in the Black case would indicate that the majority of the group and their financial support comes from Salt Lake County, Utah.

Senator LANGER. Is that where Salt Lake City is located?

Mr. ANDERSON. Yes.

Mr. CAINE. Is there not a farm in the general vicinity of St. George known as the United Effort Farm?

Mr. ANDERSON. I believe the farming area at Bloomington, just south of St. George, was once known as the United Effort Farm. That is owned by persons not members of the United Effort now.

If there is an area that is called by this name now, I am not familiar with it.

Mr. CAINE. Do you feel that the movement is spreading to southern Utah?

Mr. ANDERSON. Yes, I do.

Senator LANGER. We are certainly very grateful to you, Judge, for coming over.

Mr. ANDERSON. I am glad to do it.

I would have given you all the information in the way of documents that I have. I called Judge Durham Morse this morning, and

received permission to testify at this inquiry, inasmuch as the juvenile court proceedings ordinarily are confidential, and he stated to me over the phone that all of the records, and the files of the court, would be made available to you, if you wanted to see them.

Senator LANGER. Thank you, Judge.

Mr. CHUMBRIS. Senator, this is the superintendent of schools of Washington County.

Senator LANGER. Pleased to meet you, sir.

Will you raise your right hand and be sworn.

Do you solemnly swear that the testimony you are about to give in the pending matter will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MOODY. I do.

TESTIMONY OF MILTON E. MOODY, SUPERINTENDENT OF SCHOOLS, WASHINGTON COUNTY, UTAH

Mr. CHUMBRIS. Will you state your name, please.

Mr. MOODY. Milton E. Moody.

Mr. CHUMBRIS. And what is your address?

Mr. MOODY. St. George, Utah; 272 South 100 East. That is my home address.

Mr. CHUMBRIS. And your official capacity?

Mr. MOODY. Superintendent of Washington County Schools, State of Utah.

Mr. CHUMBRIS. How long have you been in that capacity?

Mr. MOODY. Twenty-six years.

Mr. CHUMBRIS. In your many years of experience with the school departments, have you come in contact with a problem dealing with polygamy and its impact on youth?

Mr. MOODY. Well, we have had it out here. At the present time, we have some folks in St. George going to school.

Mr. CHUMBRIS. Would you just relate, in your own way, how you view the problem, or how serious a problem it is, if there is any problem, so far as the schools are concerned.

Mr. MOODY. So far as the schools are concerned?

Mr. CHUMBRIS. Yes.

Mr. MOODY. Well, generally speaking, the boys and girls have been pretty good boys and girls to work with. In fact, I have not found them different than that, generally. We have large groups of them, however, I recall that we had as many as 5 children at 1 time who entered the first grade in St. George from one single family. They are numbers that we have to account for and take care of them.

Out here my relationship has been that of supervisor, more or less. For a number of years we did not have a tent to hold school in out here, so far as Utah was concerned, but we did pay a fee to the Arizona schools, and we held our studies down in the school here.

The number we have had over a period of years amounted from 27 or 28 to 42 or 43, which has been on the Utah side of the line. This year, since Arizona did not have a school, we found that we had 41 school children, ranging from the 1st to the 8th grade, who would not get into school, and we organized the school out there, and set it up with two teachers, and the school has been going this winter.

I have a record of the boys and girls in attendance, and their percentage of attendance.

Mr. CHUMBRIS. How do they get along with their average daily attendance?

Mr. MOODY. It has been very good. I find that the percentage over a period of time has been very good.

I am picking up now on my first report, and that is 41 children, average daily attendance 39.8; 41 in the next part, with 38.9 attendance; and then 40, with 39.1 attendance; then 40, with 39.3. And that is the way it has gone. The percentage of attendance has been very good, so far as going to school is concerned.

Mr. CHUMBRIS. Is there any reaction of the children in the schools to the group that came from the polygamist families?

Mr. MOODY. Down in our school we don't notice it. In St. George, I asked Mr. Newell Steed, who has one of the largest groups on there, as to his reaction there, and he said they are treated very well.

I also saw Mrs. Johnson, at Middleton, and she seems to think that they are treated all right.

Mr. CHUMBRIS. Well, do you have any further comment to make to the subcommittee? Do you consider it a problem?

Mr. MOODY. Yes, it is a problem, and a serious one. I think it is increasing.

Mr. CHUMBRIS. There are more children coming into the schools all the time?

Mr. MOODY. Yes, yes; we are getting more families in Hurricane and St. George than we have in the past, and they are increasing in numbers.

Mr. CHUMBRIS. How do you find it—I mean, so far as the schools are concerned, where is the problem?

Mr. MOODY. Well, I suppose nothing particularly, so far as delinquency on the part of the boys and girls are concerned, because the attendance is usually good, and we have no trouble. They are quite an obedient group. I find less profanity among the group here than I do in my own groups around home.

Mr. CHUMBRIS. Do you have any suggestions or recommendations to make as to how to solve the problem?

Mr. MOODY. No, I really don't know.

I know that it is increasing, it is my honest judgment, since the raid out here in 1953, that the numbers have increased quite materially. I don't have the facts on that.

Mr. CHUMBRIS. Since 1953, you say, there has been an increase?

Mr. MOODY. That is my guess, just offhand, but I do not have any facts.

Mr. CHUMBRIS. What would cause that increase?

Mr. MOODY. I think they delight in being persecuted. I think they are making quite a thing of that.

Mr. CHUMBRIS. More of them are moving into this area?

Mr. MOODY. That is right.

Mr. CHUMBRIS. Where are they coming from? From your school records, you can note where the families come from, can't you?

Mr. MOODY. I don't have anything definite on it. We just take them when they get there, and we do the best we can on it.

Mr. CHUMBRIS. They don't come from any particular area?

Mr. MOODY. No; they are scattered all over the area.

Mr. CHUMBRIS. What percentage of increase would you say has been noted in your school system in the past 2 years?

Mr. MOODY. Well, enrolled in the school on the Utah side I have 41. We have had as many as 43 during this year, and last year's report showed from over here an attendance of 34, as I recall. Now, I could be off 1 or 2 on that. My memory won't serve me quite all right.

Mr. CHUMBRIS. How many were there 5 years ago?

Mr. MOODY. I don't remember. I could probably find that in my records. I can't tell you now.

Mr. CHUMBRIS. Well, when did they start coming into this area, so far as you know?

Mr. MOODY. This group in here?

Mr. CHUMBRIS. Yes. How far back does it go?

Mr. MOODY. You mean, since these people started here?

Mr. CHUMBRIS. Yes.

Mr. MOODY. Practically as long as I can remember.

Mr. CHUMBRIS. They have been here for as long as you can remember?

Mr. MOODY. Yes.

I recall I was out here as a young man, as a stake superintendent of the Latter Day Saints Sunday School. This was in my district. I remember visiting it. That would be way back in the early twenties, and they were here then.

Mr. CHUMBRIS. They were here then?

Mr. MOODY. Yes. Not as many. I do not remember the number.

Mr. CAINE. Mr. Moody, in the school across the creek, over on the Utah side, there are two teachers, are there?

Mr. MOODY. That is right.

Mr. CAINE. Mr. KK and Mrs. LL.

Mr. MOODY. That is right.

Mr. CAINE. KK used to be a teacher here on the Arizona side, did he not?

Mr. MOODY. That is correct. So did she, at one time.

Mr. CAINE. You were aware that KK entered a plea of guilty to a charge of conspiracy to violate the laws of Arizona?

Mr. MOODY. I knew that he was a polygamist. I don't know about him signing—

Mr. CAINE. Were you aware of the fact that he pled guilty to felony?

Mr. MOODY. No.

Mr. CAINE. It is a fact that KK pled guilty to a felony, and by judgment of the court he was found guilty.

Mr. MOODY. Yes.

Mr. CAINE. You knew he was a polygamist?

Mr. MOODY. Yes, I knew that he was a polygamist, that is right.

Mr. CAINE. Under the laws of Utah, would that qualify him for a license to teach in Utah?

Mr. MOODY. He has a State certificate, which seems to be the only requirement that I know of. Of course, if he has pled guilty to a felony and been convicted of it, that is another story.

Mr. CAINE. And so far as LL is concerned, the story comes to me that she was asked by you if she was going to practice polygamy or was not.

Mr. MOODY. I asked her, "Do you belong to the United Effort group?" And her answer was, "No," that she was not a part of it.

Mr. CAINE. That she was not a member of the United Effort?

Mr. MOODY. Yes.

Mr. CAINE. Was she asked as to whether she ever practiced polygamy?

Mr. MOODY. No.

I have here a signed statement from both KK and Mrs. LL, and, of course, KK stated that he is married, and that is all I ask in the form, and that he has 10 children.

Mr. CAINE. Did he say on the statement that the 10 children were all by one wife?

Mr. MOODY. No. It just says, "Number of children," and he put down "10."

Mr. CAINE. And this question was asked of Mrs. LL, if she was married, and she said, yes, and under "Number of children" she puts in six.

Mr. MOODY. That is right.

Mr. CAINE. Did you ever have occasion to observe or be informed as to the development of the Short Creek, Ariz. school and its finally, you might even say, being taken over entirely by the polygamists?

Mr. MOODY. Yes.

Mr. CAINE. Are you aware of the trouble that they have had in the way of diverting school funds for other purposes?

Mr. MOODY. I have heard a lot of talk on that issue. I have been out here a number of times for supervision of the schools in Arizona, and at that time, as I told you, we had some boys and girls on the Utah side, since we paid them a certain fee, we reserved the right to come out and supervise them.

I stayed at the superintendent's house, and we saw some of his people, and we spent a few hours here. We had checked up on it rather closely.

As to the other part of the misuse of the funds, I don't know, I just don't know.

Mr. CAINE. In your checking up on the schools when there were Utah children attending in Arizona, were you satisfied that this school was being conducted under the standards required in Utah?

Mr. MOODY. No.

Mr. CAINE. It was not up to those standards?

Mr. MOODY. No.

I am much more satisfied with this one that we have this year.

Mr. CAINE. When the polygamist group controlled the school on the Arizona side, you were not satisfied with the standards?

Mr. MOODY. No. And the percentage of attendance was poorer than reported to us this year.

I do know that people reported to me that during the daytime the kiddies were out considerably and around occasionally, they were out working, and he came out and found them doing that.

Mr. CAINE. Yes.

I understand there were occasions when they would work rather extensively for the common fund.

Mr. MOODY. Yes.

I found them over here stringing beans, whatever you want to call it, for the purposes of canning.

Mr. CAINE. For how long a period of time would that run?

Mr. MOODY. I don't know.

I was out here 1 day, and a group represented to me that that was the first time the boys and girls had gone out.

Mr. CAINE. Was it ever called to your attention that the older children would be gone for a week or more at a time for potato picking?

Mr. MOODY. Yes; they have gone out for potato picking, and they supposedly have made that up, as their reports indicated.

Mr. CAINE. The reports indicated they made up their time?

Mr. MOODY. That is as much as I can tell you. I have too big a job, and I just have to take the reports that are sent in.

Mr. CAINE. You do feel that the number of children from polygamous families is increasing in the public schools?

Mr. MOODY. That is my judgment; in southern Utah, certainly.

Mr. CAINE. You mentioned the Johnsons at Middleton.

Mr. MOODY. Yes.

Mr. CAINE. Middleton is hardly a community; is it?

Mr. MOODY. It is just between Washington and St. George, about 2½ miles from St. George. The Steeds live there now; they have built a big home on the east side of town, and they are living in St. George.

Mr. CAINE. I take it from the statement you made that you at one time were district superintendent of Sunday schools?

Mr. MOODY. I was what they call a State superintendent of Sunday schools.

Mr. CAINE. Therefore, I assume you are a member of the Church of Jesus Christ of the Latter-day Saints?

Mr. MOODY. That is right; the Latter-day Saints Church.

Mr. CAINE. There is no connection between that and this Fundamentalist group; is there?

Mr. MOODY. No. I think they are all excommunicated, so far as I know.

Mr. CAINE. I know that sometimes in the newspapers the phrase "Mormon" is loosely used.

Mr. MOODY. It should not be.

Mr. CAINE. It covers Fundamentalists and Latter-day Saints, by people who don't know.

Mr. MOODY. It is not true. Our church is definite in their work against them, and has excommunicated them.

Mr. CAINE. I notice in the last two issues of Truth magazine—

Mr. MOODY. I don't know much about it. I have had it handed to me once or twice, just when some striking articles have been in it.

Mr. CAINE. The editor of the Truth magazine, in the last two issues, apparently, feels that the Latter-day Saints Church is going to initiate a crusade against them, and is asking rather searching questions. You are not familiar with those?

Mr. MOODY. No; I am not, not these last ones.

Mr. CAINE. Do you think that the Latter-day Saints Church itself may take a rather aggressive stand and be of assistance to the law and enforcement officers?

Mr. MOODY. Yes; I do.

Mr. CAINE. How could they be approached?

Mr. MOODY. Through the State presidency in this area, and let him work back to the general authorities.

Mr. CAINE. With those in Salt Lake?

Mr. MOODY. That is right.

Mr. CAINE. J. W. Wrightman is president of the St. George stake, so his jurisdiction would be in this county area?

Mr. MOODY. I don't know about that. Zion Park might be, and that would be Reeves, our of Hurricane.

Mr. CAINE. Do you think that they might be quite active in assisting—shall I use the term—stamping this out?

Mr. MOODY. Yes; I do.

I know that the president of the stake has been investigating a number of cases and has been influential in getting Mr. MM and some others, and questioning their standing.

Mr. CAINE. Do you have anything further you would like to volunteer for the information of this committee? It seems like you have.

Mr. MOODY. I don't know what I should say to you; so far as these boys and girls are concerned up here, we have gotten along very well. I have come out a number of times this year, and my supervisor has come with me, usually, when I come, so she has been able to visit the elementary section, and I have visited with the larger group, and Mr. ———, who holds a certificate in the State of Utah to teach—it has not been revoked, so far as Utah is concerned—and Mrs. ——— does not hold a certificate. She has been working on an authorization, she has not received her certificate.

Mr. KK is a very good teacher, so far as that is concerned.

Mr. CAINE. In his background, does he reveal that he is a son of a chief of police from Buffalo, N. Y.?

Mr. MOODY. No; he does not. He tells me here, this is all I ask of him, his name and class graduated from, and he says Mount Pleasant, and he gives his birthplace as Baltimore, Md., November 21, 1920. He has a State certificate running until 1959.

That is about all he reveals here, and the fact that he is married, and has 248 hours of college credits.

I asked the question, "Spouse living?" and the answer is, "yes." And an answer to the question as to the number of children, the answer is, "10." As to his years of teaching experience outside of Utah, he has a total of 6 years. Here are his credits at the various universities.

Mr. CHUMBRIS. Can you leave it with the committee?

Mr. MOODY. I will be glad to.

Senator LANGER. That is admitted.

Mr. CHUMBRIS. This is the only one he has, and he will mail it in.

Mr. MOODY. This is the original, and I would like to mail you a duplicate. I have a copy of my contract with me. I don't know if you are interested in that or not.

(The material to be furnished by Mr. Moody was marked "Exhibit No. 10," and is on file with the subcommittee.)

Mr. CHUMBRIS. That is the usual contract, is it not?

Mr. MOODY. Yes, the usual teacher's contract.

I have here their roll books, if that will be of help to you, which gives the names of the boys and girls and the parents' names.

Mr. CHUMBRIS. I wonder if you could send us a copy of the names of the students from that list.

Mr. MOODY. Yes, I certainly could make up all the information there and send it to you. I will be glad to.

Mr. CHUMBRIS. If it is not too much trouble, just the names of the children. You won't have to send it all down, just the names of the different children.

Mr. MOODY. Would you want the parents and their age, date of birth? I can give you that. I can write that out for you.

Mr. CHUMBRIS. Yes; fine.

Mr. MOODY. In most cases he has listed mother and father, but I should not tell you, I guess, all the little things, because you are not interested in those.

I know with a family in St. George we have had a little trouble. We take a full census. Well, out here I have been unable to get it on account of one time my colleague came out and tried to get it, but we just couldn't, and we could not compile it. The folks were not willing to give us the names of the parents, and so on.

Mr. CAINE. May I ask one question?

In your contacts, your personal contacts, out in this area, have any of these folks admitted to you that they were living in polygamy?

Mr. MOODY. Well, I said to Mr. H one time ——

Mr. CAINE. Mr. H?

Mr. MOODY. Mr. H. yes. I said: "H, the police would let you alone, if it was just for the United Effort, but just get rid of this polygamy." He said: "That is fundamentalism; we couldn't get rid of it."

Mr. CAINE. Have any examples been brought to your attention of the ages of the girls entering into plural marriages?

Mr. MOODY. I have no facts on that.

Mr. CAINE. You have heard stories or rumors, I suppose.

Mr. MOODY. Oh, yes, the stories around that they are the youngsters 14, and from there on up.

Mr. CAINE. That is a common belief in this part of the country, is it not?

Mr. MOODY. It is hearsay.

Mr. CAINE. But it seems to be pretty well accepted by people.

Mr. MOODY. I have no facts I could give you. I am sorry.

Mr. CAINE. That is the general reputation of this community.

That is all.

Mr. CHUMBRIS. That is all.

If you will get that material and send it to the Senate Subcommittee on Juvenile Delinquency, room 900 HOLC Building, Washington, D. C., we would appreciate it.

Mr. MOODY. I would like to get some reaction, if I might, since I was questioned about using this teacher, ——; your feeling is, I suppose, that we should not use him, is it not? I am not quoting you.

Mr. CAINE. Under the laws of Arizona he would not be qualified, but they tried to handle him with kid gloves by giving him an opportunity to file an affidavit that he had renounced polygamy and would not live that life again, and if he would do that, they would not revoke his license. They gave him 30 days or 3 months, or some such period of time, and at the expiration of that time he had not so done; when he got into court, one of our judges in Phoenix found that because of that finding on the part of the school board, having heard all of the evidence, which said if a man is convicted of a felony that he is not entitled to vote; and that he has not been convicted of a felony, that he is.

It was one of those peculiar questions. We have a time getting teachers to come out here, and we have to find someone who will come, and that is one of our problems.

Senator LANGER. Let us take a 5-minute recess.

(Whereupon, a brief recess was taken, after which the following proceedings were had:)

Senator LANGER. Come to order.

Mrs. Nyborg, I believe you were sworn before, on last Thursday, in an executive session at Phoenix, Ariz.?

Mrs. NYBORG. Yes.

Senator LANGER. You realize that you are still under oath?

Mrs. NYBORG. Yes.

FURTHER TESTIMONY OF MRS. ALPHONSO NYBORG, WIFE OF DEPUTY SHERIFF, SHORT CREEK, ARIZ.

Mr. CHUMBRIS. Now, you recall you gave some rather extensive testimony last Thursday, is that correct, in executive session?

Mrs. NYBORG. Yes, sir.

Mr. CHUMBRIS. And you have been following the hearings this morning, Mrs. Nyborg, and this afternoon?

Mrs. NYBORG. Yes, sir.

Mr. CHUMBRIS. There has been some testimony to the effect that the men have been complying with the order of the court, that they not definitely go back into polygamy practices. Are you in accord with the testimony that has been given here this afternoon, or do you have a different impression?

Mrs. NYBORG. My impression is different.

Mr. CHUMBRIS. What is your impression?

Mrs. NYBORG. I really don't believe they have really quit altogether.

Mr. CHUMBRIS. What basis do you have for that statement?

Mrs. NYBORG. Well, I meet cars where they would be girls in there, and they would either turn their heads or duck.

Mr. CHUMBRIS. And they would be with these men?

Mrs. NYBORG. That they were supposed to be the plural wives of.

Mr. CHUMBRIS. Have you seen them in public together, the plural wives and husbands?

Mrs. NYBORG. My daughter has.

Mr. CHUMBRIS. I thought you mentioned when you were walking down the street that a girl ducked her head.

Mrs. NYBORG. That was when he was on probation.

Mr. CHUMBRIS. How long ago was that?

Mrs. NYBORG. I would say in October.

Mr. CHUMBRIS. Of last year?

Mrs. NYBORG. Of last year.

Mr. CHUMBRIS. Have you seen that same girl and her husband together since then?

Mrs. NYBORG. I wouldn't know for sure, but I would say she is a plural wife. I have never seen them since then, but I did see them together quite a few times before that.

Mr. CHUMBRIS. Is there anything further that you would like to add now in respect to what you said last Thursday to this committee? Do you have an additional statement to make?

Mrs. NYBORG. Well, I want to say that on several cases they have taken these girls awfully young. I have lived here a long time, and I have seen that.

Mr. CHUMBRIS. What we would like to get are some specific instances since the court order that asked these men to stay away from their plural wives, and also further, since the mothers and children have been returned to Short Creek, have the men stayed away from their plural wives?

Mr. NYBORG. Like I said, I couldn't really answer it, because I haven't been here enough.

Mr. CHUMBRIS. When the young girl, ——, stated this morning that it was her impression that the women were still acting as plural wives of these men, is that your impression also?

Mrs. NYBORG. Yes, sir.

Mr. CHUMBRIS. You don't have any special illustrations, other than what you have already told us a few moments ago, to prove that point?

Mrs. NYBORG. Well, only that they watched our house at night; we have seen where they watched us all the time, and if they weren't afraid, why would they do things like that, why would they watch all of our movements?

Mr. CHUMBRIS. Have you visited any of the homes in the last couple of months?

Mrs. NYBORG. No, I have not.

Mr. CHUMBRIS. Have they visited your home?

Mrs. NYBORG. No. You see, I am living in town now, I am not out here.

Mr. CHUMBRIS. Have you heard any of the plural wives admit that they are back with their husbands?

Mrs. NYBORG. No, I have not.

Mr. CHUMBRIS. But it is just an impression that you have created; is that it?

Mrs. NYBORG. Yes, just from what I have seen.

Mr. CAINE. You were present this morning when Mrs. F2 testified, were you not?

Mrs. NYBORG. Yes.

Mr. CAINE. What relationship does Mrs. F2 have to you?

Mrs. NYBORG. She is my niece.

Mr. CAINE. Mrs. F2, one of the young girls who testified this morning, is your niece?

Mrs. NYBORG. Yes, sir.

Mr. CAINE. You heard her testimony concerning her activities here in Short Creek, and she was very reluctant to testify?

Mrs. NYBORG. Yes.

Mr. CAINE. What are the facts in regard to Mrs. F2 that she is a plural wife?

Mrs. NYBORG. She is a plural wife to Mr. F.

Mr. CAINE. And Mrs. F2 is a sister to Mrs. F?

Mrs. NYBORG. Yes.

Mr. CAINE. And Mrs. F would be your niece, and Mrs. F is the legal wife of Mr. F?

Mrs. NYBORG. Yes.

Mr. CAINE. And they both denied that they know anything about either one being married to Mr. F?

Mrs. NYBORG. Yes.

Mr. CAINE. What do you personally know about that situation?

Mrs. NYBORG. Well, just before the raid they lived right down a ways from us, and we could see the house real plain, and we would see all three of the girls. I don't know for sure about F2, I believe she was still going to school, and already graduated out of the eighth grade, and they were all living down there in that same house.

Mr. CAINE. When she said she didn't know Mrs. F2 was living as a plural wife of Mr. F in the same house, under the same roof, as Mrs. F, her sister, the legal wife of Mr. F?

Mrs. NYBORG. Yes.

Mr. CAINE. And also V?

Mrs. NYBORG. Yes.

Mr. CAINE. And they were living together in the same house?

Mrs. NYBORG. Yes.

Mr. CAINE. You know that of your own personal knowledge?

Mrs. NYBORG. Yes, sir.

Mr. CAINE. And you know that the general opinion of this community was that Mrs. F2 and V were his plural wives, and Mrs. F was his legal wife?

Mrs. NYBORG. Yes, sir.

Mr. CAINE. As a matter of fact, Mrs. F2 had a child by him?

Mrs. NYBORG. F2, and the little V girl, both, they both had them.

Mr. CAINE. Mrs. F2 says she is 17. Do you know her age?

Mrs. NYBORG. She will be 17 in September.

Mr. CAINE. How many children does Mrs. F have by F?

Mrs. NYBORG. She has three.

Mr. CAINE. Where is V now?

Mrs. NYBORG. The last time I heard, she was in Salt Lake. They turned her over to her folks, and if she is down here, she is staying pretty close on the other side of the line. That is the reason it is so hard to really find out, because up the canyon end, they are very careful.

Mr. CAINE. Well, as you listened to her testimony, she either was not telling us the truth or did not answer at all; is that it?

Mrs. NYBORG. Yes.

Mr. CHUMBRIS. How about the testimony of Mrs. F?

Mrs. NYBORG. Well, she didn't answer very good, either. She didn't seem to know.

Mr. CHUMBRIS. But she does know, doesn't she?

Mrs. NYBORG. Sure. She lived in the same house with her sister.

Mr. CHUMBRIS. All the time?

Mrs. NYBORG. I don't know about now. They said she lived with her mother and father, but I do know before that they were all living together.

Mr. CAINE. At the time the raid was made, they were all living together?

Mrs. NYBORG. All in the same house.

Mr. CHUMBRIS. That is all.

Thank you very much.

Senator LANGER. That is all.

That is all the testimony we will take in Short Creek.

The subcommittee is adjourned subject to call.

(Whereupon, at 3 p. m., Monday, May 2, 1955, the committee adjourned, subject to further call.)

